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JOURNAL
OF
THE SENATE
OF THE
STATE OF MISSISSIPPI,
AT
AN ADJOURNED MEETING THEREOF,
HELD IN THE
TOWN OF JACKSON.

PRINTED BY ORDER OF THE SENATE.

JACKSON:
PRINTED BY G. R. & J. S. FALL.
1837.

JOURNAL
OF
THE SENATE
OF THE
STATE OF MISSISSIPPI.

MONDAY, JANUARY 2, 1837.

Be it remembered, that on this day, to wit: on Monday, the second day of January, A. D. 1837, the Legislature of the State of Mississippi, convened at the Capitol, in the Town of Jackson, pursuant to adjournment; and the Senate assembled.

PRESENT.—Messrs. Alsbury, Bole, Buckner, Cameron, Granberry, Haley, Hargis, McNutt, McRaven, Runnels, Sharp and Van Norman.

On motion of Mr. Cameron.

Mr. Alsbury was called to the Chair.

Franklin Love, a Senator elected from the senatorial district composed of the county of Pike, to fill the vacancy occasioned by the resignation of James Y. McNabb; Alfred T. Moore, a Senator elected from the senatorial district composed of the county of Wilkinson, to fill the vacancy occasioned by the resignation of John Henderson, and George Winchester, a Senator elected from the senatorial district composed of the county of Adams, to fill the vacancy occasioned by the resignation of John A. Quitman, severally appeared, presented their credentials, and having

taken the oath prescribed by the constitution, took their seats in the Senate Chamber.

On motion of Mr. Buckner,

Resolved, That the State Printer be instructed to print fifty copies of the rules of the Senate as early as practicable, for the use of this house.

Mr. Winchester moved that the Senate do now proceed to the election of a President;

But before the question was taken thereon,

Mr. Love moved that the Senate adjourn until 10 o'clock, to-morrow morning.

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Sharp,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met.

On motion of Mr. Love,

Ordered, That the absent members be sent for,

The members who were absent having appeared, the Senate proceeded to consider the motion of Mr. Winchester, relative to the election of a President of this body, when

Mr. Runnels, moved that the Senate adjourn until to-morrow morning 10 o'clock.

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Winchester,

The Senate adjourned until 10 o'clock, on Wednesday morning.

WEDNESDAY, JANUARY 4, 1837.

The Senate met.

Messrs. Cocke, Maury and Toomer, appeared and took their seats.

The Senate resumed the consideration of the motion submitted by Mr. Winchester on Monday, relative to the election of a President of this body.

On motion of Mr. Runnels,

Ordered, That there be a call of the Senate.

The call being made, and it appearing that several members were absent,

Ordered, That they be sent for.

The absent members having appeared in the Senat Chamber,

Mr. Winchester moved that the Senate adjourn until to-morrow morning at 10 o'clock,

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Love,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met, and resumed the consideration of the motion submitted by Mr. Winchester in relation to the election of a President of this body.

On motion of Mr. Bole,

Ordered, That the absent members be sent for.

All the absentees except Mr. Hargis having appeared,

Mr. Moore moved to suspend the call.

Mr. Haley moved that the Senate adjourn until to-morrow morning at 10 o'clock.

And the question being taken thereon,

It was decided in the negative.

The question then recurred on the motion of Mr. Moore, to suspend the call.

And the question being taken thereon,

It was decided in the negative.

Mr. Hargis having appeared and taken his seat,

On motion of Mr. Love,

Ordered, That there be a call of the Senate.

The call being made, it was found that all the members who had heretofore given their attendance were present.

The question being then on the motion of Mr. Winchester,

Mr. Winchester moved to lay said motion on the table.

And the question being taken thereon,

It was decided in the affirmative.

On motion of Mr. Haley,

The Senate adjourned until to-morrow morning at 10 o'clock.

THURSDAY, JANUARY 5, 1837.

Mr. Runnels called for the consideration of the motion, submitted by Mr. Winchester, in relation to the election of a President of the Senate, and the call being sustained,

The question was taken thereon,
And decided in the affirmative.

And thereupon, the Senate proceeded to ballot for a President—Messrs. Haley, and Hargis, being appointed tellers—when it appeared, that

Mr. Van Norman had received	5 votes.
Mr. Buckner	6 votes.
Mr. Maury	2 votes.
Mr. McNutt	5 votes.
Mr. Hargis	1 vote.

Neither of the gentlemen, voted for, having received a majority of the whole number of votes given, the Senate proceeded to ballot a second time, when

Mr. Van Norman received	5 votes.
Mr. Buckner	6 votes.
Mr. Maury	2 votes.
Mr. McNutt	4 votes.
Mr. Hargis	1 vote.

Neither of the gentlemen, voted for, having received a majority of the whole number of votes given, the Senate proceeded to ballot a third time, when

Mr. Van Norman received	6 votes.
Mr. Buckner	6 votes.
Mr. Maury	2 votes.
Mr. McNutt	3 votes.
Mr. Hargis	1 vote.

Neither of the gentlemen, voted for, having received a majority of the whole number of votes given, the Senate proceeded to ballot a fourth time, when

Mr. Van Norman received	5 votes.
Mr. Buckner	7 votes.
Mr. Maury	2 votes.
Mr. McNutt	3 votes.
Mr. Hargis	1 vote.

Neither of the gentlemen, voted for, having received a majority of the whole number of votes given, the Senate proceeded to ballot a fifth time, when

Mr. Van Norman received	5 votes.
Mr. Buckner	6 votes.
Mr. Maury	1 vote.
Mr. McNutt	4 votes.
Mr. Hargis	1 vote.
Mr. Alsbury	1 vote.

Neither of the gentlemen, voted for, having received a majority of the votes given, the Senate proceeded to ballot a sixth time, when

Mr. Van Norman received	5 votes.
Mr. Buckner	5 votes.
Mr. Maury	1 vote.
Mr. McNutt	4 votes.
Mr. Hargis	1 vote.
Mr. Alsbury	1 vote.
Mr. Winchester	1 vote.

Neither of the gentlemen, voted for, having received a majority of the votes given, the Senate proceeded to ballot a seventh time, when

Mr. Van Norman received	5 votes.
Mr. Buckner	4 votes.
Mr. Maury	4 votes.
Mr. McNutt	4 votes.
Mr. Hargis	1 vote.

Neither of the gentlemen, voted for, having received a majority of the whole number of votes given, the Senate proceeded to ballot an eighth time, when

Mr. Van Norman received	4 votes.
Mr. Buckner	2 votes.
Mr. Maury	6 votes.
Mr. McNutt	5 votes.
Mr. Hargis	1 vote.

Neither of the gentlemen, voted for, having received a majority of the whole number of votes given, the Senate proceeded to ballot a ninth time, when

Mr. Van Norman received	4 votes.
Mr. Buckner	1 vote.
Mr. Maury	8 votes.
Mr. McNutt	4 votes.
Mr. Hargis	1 vote.

Neither of the gentlemen, voted for, having received a majority of the votes given, the Senate proceeded to ballot a tenth time, when

Mr. Van Norman received	3 votes.
Mr. Buckner	1 vote.
Mr. Maury	7 votes.
Mr. McNutt	5 votes.
Mr. Hargis	1 vote.
Mr. Alsbury	1 vote.

Neither of the gentlemen, voted for, having received a majority of the votes given, the Senate proceeded to ballot an eleventh time, when

Mr. Van Norman received	3 votes.
Mr. Buckner	1 vote.
Mr. Maury	7 votes.

Mr. McNutt received	5 votes.
Mr. Hargis	1 vote.
Mr. Alsbury	1 vote.

Neither of the gentlemen, voted for, having received a majority of the votes given, the Senate proceeded to ballot a twelfth time, when

Mr. Van Norman received	4 votes.
Mr. Buckner	1 vote.
Mr. Maury	6 votes.
Mr. McNutt	4 votes.
Mr. Hargis	2 votes.
Mr. Alsbury	1 vote.

Neither of the gentlemen, voted for, having received a majority of the votes given the Senate proceeded to ballot a thirteenth time, when

Mr. Van Norman received	4 votes.
Mr. Buckner	1 vote.
Mr. Maury	3 votes.
Mr. McNutt	7 votes.
Mr. Alsbury	2 votes.
Mr. Winchester	1 vote.

Neither of the gentlemen, voted for, having received a majority of the votes given, the Senate proceeded to ballot a fourteenth time, when

Mr. Van Norman received	3 votes.
Mr. Buckner	1 vote.
Mr. Maury	2 votes.
Mr. McNutt	8 votes.
Mr. Alsbury	3 votes.
Mr. Winchester	1 vote.

Neither of the gentlemen, voted for, having received a majority of the votes given, the Senate proceeded to ballot a fifteenth time, when

Mr. Van Norman received	2 votes.
Mr. Maury	2 votes.
Mr. McNutt	9 votes.
Mr. Alsbury	5 votes.

Neither of the gentlemen, voted for, having received a majority of the votes given, the Senate proceeded to ballot a sixteenth time, when

Mr. Van Norman received	3 votes.
Mr. Buckner	1 vote.
Mr. McNutt	10 votes.
Mr. Alsbury	2 votes.
Mr. Winchester	2 votes.

Whereupon, the Chairman announced that Alexander G.

McNutt was duly elected President of the Senate, who being conducted to the Chair by Mr. Van Norman, returned his thanks to the Senate.

On motion of Mr. Sharp,
The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Thomas P. Falconer appeared, and took his seat.

On motion of Mr. Bole,

Resolved, That the Secretary inform the House of Representatives, that the Senate have elected Alexander McNutt their President, to fill the vacancy occasioned by the resignation of the Hon. John A. Quitman.

Mr. Falconer moved that the Senate adjourn;

And the question being taken thereon,

It was decided in the negative.

Mr. Alsbury gave notice, that he would on Monday next, move for leave to introduce a bill to be entitled "an act, to incorporate the Pascagoula and Mobile Rail Road Company."

Mr. Buckner presented the petition of Benjamin F. Smith, praying that an act might pass authorizing him to dispose of certain real and personal estate therein mentioned.

On motion of Mr. Buckner,

Said petition was referred to a select committee of three, with leave to report by bill or otherwise.

Whereupon, the President appointed Messrs. Buckner, Love and Moore, said committee.

Mr. Falconer moved that the Senate adjourn;

And the question being taken thereon,

It was decided in the negative.

A message from the House of Representatives, by Mr. Cornell, their Clerk:

MR. PRESIDENT—The House of Representatives have convened in pursuance of adjournment, formed a quorum, and are now ready to proceed to business.

They have adopted the following resolution, in which they desire the concurrence of the Senate:

Resolved, That a joint select committee of five members be appointed by this House, in conjunction with such committee as may be appointed by the Senate, to wait upon the Governor of the State, and inform him that the two Houses are now ready to receive any communication he may have to make; and have appointed on their part Messrs. King, Jayne, Ventress, Fulton and Vannerson.

Mr. Falconer moved to lay said message on the table;
And the question being taken thereon,
It was decided in the negative.

Mr. Falconer moved that the Senate adjourn.
And the question being taken thereon,
It was decided in the negative.

Mr. Sharpe moved to concur in the resolution contained
in the message from the House of Representatives.

The Chair pronounced said motion out of order, on the
ground that the resolution was not a joint resolution.

From this decision Mr. Hargis took an appeal to the
Senate.

And the question being put, "Shall the decision of the
chair stand?"

It was decided in the affirmative.

So the decision of the chair was sustained.

Mr. Buckner moved that the Senate adjourn;

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Alsbury,

Resolved, That a committee of _____ members be appointed on the part of the Senate, to act with the committee, appointed by the House of Representatives, to wait on the Governor, and inform him that the two Houses have met, formed a quorum, and are ready to receive any communication he may please to make.

Ordered, That the blank be filled with "three."

Whereupon, the President appointed Messrs. Alsbury, Haley and Moore said committee.

On motion of Mr. Haley,

The Senate adjourned.

FRIDAY, JANUARY 6, 1837.

Mr. Cameron presented the petition of Richard Thomas, David Goodson and others, citizens of Jefferson county, praying the Legislature to confirm the lease of the 16th section of township 8, range 3, east, to Peter McLaurin for ninety-nine years.

On motion of Mr. Cameron,

Said petition was referred to a select committee of three, with leave to report by bill or otherwise.

Whereupon, the President appointed Messrs. Cameron, Buckner and Moore, said committee.

Mr. Cameron presented the petition of Archibald Torrey and others, in relation to the same matter contained in the preceding petition, which

On motion of Mr. Cameron,

Was referred to the same select committee.

The President laid before the Senate communications from the State Treasurer, and Auditor of Public Accounts, showing the state of their respective offices.

Said reports are as follows :

JACKSON, *January 5, 1837.*

SIR : I herewith present to you, to be laid before the Senate, the Treasurer's Report of the fiscal concerns of the Treasury Department of the State of Mississippi.

Respectfully,

CHS. C. MAYSON,

State Treasurer.

To the Hon A. G. McNUTT,

President of the Senate.

TREASURY OFFICE,

JACKSON, Jan. 5, 1837.

To the Honorable the President, and members of the Senate of the State of Mississippi :

In conformity with the provisions of the statute of this State, organising the Treasury Department, and prescribing the duties of its incumbent, I have the honor to submit to the Legislature the following report, showing the receipts and disbursements of the public monies, during the last year.

From the table hereunto subjoined, exhibiting in detail the whole operations of the department, it will appear, that there are two periods embraced within it; one extending from the 4th of January last, the date of my last report, to the 29th of February, the close of the fiscal year; and the other, extending from the first day of March, 1836, to the date of this report.

It is deemed unnecessary to particularise the fiscal operations, farther than to state, that from the 4th day of January, 1836, to the 29th day of February of the same year,

the receipts into the Treasury amounted to the sum of \$11,469 70 $\frac{1}{2}$; which being added to the balance on hand at the date of the last report (\$87,157 80 $\frac{1}{2}$) leaves to be accounted for the sum of \$98,627 51 $\frac{1}{2}$, which is done in the following manner: the disbursements, during the same period, under the various heads, amounted to the sum of \$55,868 53 $\frac{1}{2}$, which being deducted, leaves the sum of \$42,758 97 $\frac{1}{2}$, to be carried to the credit of the State, on the 1st day of March, 1833, the commencement of the fiscal year. That since this last mentioned period, there has been received at the Treasury up to this time, the sum of four hundred and one thousand two hundred and seventy-five dollars ninety-seven cents, which being added to the balance on hand leaves to be accounted for the sum of \$441,034 94 $\frac{1}{2}$: which is done in the following manner: the disbursements during the period, have amounted to the sum of \$305,513 64 $\frac{1}{2}$, leaving at this time in the Treasury of the State, the sum of one hundred and thirty-eight thousand five hundred and twenty one dollars and thirty cents. From this exhibition, it will be seen, that the operations of this department, have, for the last, exceeded those of any previous year. This has resulted, not only, from the rapidly increasing business of the State, but also from the fact, that the three per cent. fund, to which the State was entitled on the first day of July last, has been here received and disbursed, or yet remains on hand. The balance in the Treasury appears large, but nearly the whole of this surplus consists of the unclaimed portions of the three per cent. fund, to which many of the counties are yet entitled.

Of the \$327,978 34 paid into the Treasury, on this fund, the sum of \$198,059 81 has been paid out, which leaves it creditor to the amount of \$129,918 53. I have thought it my duty to point out this fact *particularly* to your view, not from any distrust of the ability of the Treasury to meet the demands that may be made upon it, in the ordinary course of the public business, but in order to suggest to your honorable body the necessity of furnishing the ways and means that may be required to meet, not only the appropriations already made, but those which you may be disposed to make during your present session. Although the revenue of the State is annually and rapidly augmenting, yet it is believed that its expenditures increase in rather a more rapid proportion. There have been already considerable sums appropriated for the public buildings, and it is expected that, yet further sums will be required. I do not believe that the ordinary revenue of the State is adequate to its *inevitable*

and *indispensable* expenditures; and, also, to meet the large appropriations which will be necessary to complete the public buildings. It is certainly a matter of felicitation, however, that the resources of the State are amply adequate to meet all its necessary wants, without a resort to further taxation.

If the ordinary revenue should not be equal to the anticipated demands upon the Treasury, its coffers can be easily supplied without further taxation; some of the modes of which I will take the liberty to suggest. There has accrued, and is still accruing to the State, the three per cent. upon the United States lands sold within its borders; which it is believed if left in the State Treasury, will be for the purposes of internal improvement, equal to all the demands made upon it; united with the other resources of the State.

Another view is suggested; if this State consent to take, upon bailment, the portion of the surplus revenue in the United States Treasury, which, under the late distribution law of Congress, will fall to its share; that sum, if it be vested in stock in the Planters' Bank, and its *dividends* placed semi-annually in the Treasury, will bring to the Treasury all the aid, which your appropriations may place it, in a situation to acquire.

I hope I shall be excused, if, in the discharge of my public duty, I bring to the view of your honorable body another subject, intimately connected with the revenue of the State—I allude to the tax upon land, and the mode of its assessment. The mode now in force appears to me to be, not only arbitrary, but wholly unequal—a *geographical*, or merely *arbitrary* classification of lands, can never be regarded as a fair standard by which to ascertain their value. A very poor and sterile tract of land may be adjoining a very rich and valuable one; and to subject both to the same standard of taxation would be wrong: an *ad valorem* tax, upon land, strikes me as the most equitable and just; but this tax should not be high; let each man pay in proportion to the *value* of his lands. If the owner controvert the assessment of the officer, let a reference be had to others by whom it can be ascertained, and let them fix the value, and the owner pay accordingly. Most of the lands in the State will soon be subject to taxation; and it seems to me, that some *uniform* and *equal* mode of valuation, should be made to supercede the present one; which if suitable to the time of its adoption, does not appear so now.

When I entered upon the duties of my office, I determined to deposite the State Funds in the Branch of the Planters' Bank, at this place, for its better security, and more conve-

nient disbursement. The control of this money by the Bank, has not only been a public convenience, but has actually brought to the State, as a stockholder in that institution, from its increased dividends, more money than is required to pay the salaries of two of the executive officers; and, it is believed, will continue to do so.

By reference to the Revised Code, (pages 413 and 414,) it will be seen that certain monies were loaned to the Jefferson College, upon bond and security, by mortgage; all of which bonds have been due for more than ten years, and that it is made the duty of the *State Treasurer*, to collect the same. These bonds, with the interest, now exceed fourteen thousand dollars, and it is believed that that institution from its resources is abundantly able to refund the money at this time. But as the period of collecting it, had been so long postponed, I did not wish hastily to act in the business, and concluded to bring the subject to your view, eliciting from your honorable body, an indication of your wishes and instructions on this subject.

Among the monies received by me from my predecessor, there were two bills, which have been discovered to be counterfeits; one of them a twenty, and the other a hundred dollar bill, both of which have been substituted by him with good money. That such a mistake should have occurred, in transactions extending through such a period of time, and embracing so many different settlements, is not to be wondered at; and when we consider the great accuracy, and uncommon fidelity of that valuable officer, I would suggest to your honorable body, the propriety of reimbursing him those amounts; a practice, very usual with banking institutions, and not inconsistent with the liberal, and enlightened policy of any.

All of which is respectfully submitted,

CHAS. C. MAYSON,

State Treasurer.

RECEIPTS AND EXPENDITURES.

The amount remaining in the Treasury on the 4th day of January, 1836, as per report of that date, was - - - \$87,156 80½

The receipts into the Treasury from that date up to the 29th day of February last, (the end of the fiscal year,) were as follows, to wit:

Amount received on account of State taxes, classed under the head of the State of Mississippi, during the above period, was	10,689 43½
Amount received from the Literary Fund during the same period, - - -	161 00
Amount received for the sale of Town Lots during the same period, - - -	619 27

Which being added to the aforesaid balance, makes, in the Treasury, on the 29th day of February, 1836, - - - \$98,627 51½

The disbursements under the various heads of Public Expenditures, from the 4th January, 1836, to the last day of February, the end of the fiscal year, were as follows, to wit:

Disbursed on account of the Legislative Department, -	\$24,978 20
Disbursed on account of the Judiciary Department, -	7,944 50½
Disbursed on account of Appropriations, - - -	19,481 99½
Disbursed on account of the Militia Department, -	257 74
Disbursed on account of the Executive Department, -	528 76
Disbursed on account of the Contingent Fund, -	2,000 00
Disbursed on account of the State of Mississippi, -	677 34
	55,868 53½

And which, deducted from the total receipts, shews a balance remaining in the Treasury, on the first day of March, 1836, (the commencement of the fiscal year,) of - - - \$42,758 97½

The receipts into the Treasury since the above period are as follows, to wit:

Rec'd on account of Town Lots,	\$1,512 17	
Received on account of the Literary Fund, - -	483 77	
Received on account of State taxes, classed under the head of the State of Mississippi, -	71,301 69	
Received on account of the three per cent fund, -	327,978 34	401,275 97
Which being added to the aforesaid balance, makes: - -	-	<u>\$444,034 94</u>

The disbursements under the various heads of Public Expenditures, from the first day of March, 1836, the commencement of the fiscal year, are as follows:

Amount brought forward, - - -		\$444,034 94
Disbursed on account of the Legislative Department, -	\$3,909 40	
Disbursed on account of the Judiciary Department, -	38,563 57	
Disbursed on account of the three per cent fund, -	198,059 81	
Disbursed on account of the Executive Department, -	6,963 48	
Disbursed on account of Appropriations, - - -	8,094 17	
Disbursed on account of Elections, - - -	376 00	
Disbursed on account of the State of Mississippi, -	3,233 14	
Disbursed on account of the Penitentiary, - - -	10,000 00	
Disbursed on account of the State House, - - -	35,964 07	
Disbursed on account of the Militia, - - -	250 00	
Disbursed on account of the Seminary Lands, - -	100 00	\$305,513 64

And which, deducted from the total receipts, shews a balance on the 5th day of January, 1837, of - - -

\$138,521 30

CH'S C. MAYSON, *State Treasurer.*

AUDITOR'S OFFICE,**JACKSON, (Miss.) Jan. 5th. 1837.****To the Hon. A. G. McNUTT,***President of the Senate.*

SIR: I have the honor herewith to hand you, to be laid before the Senate, the Auditor's Report of the fiscal concerns of the revenue department, up to the 4th instant.

I have the honor to be,

Very respectfully,

Your obedient servant,

JNO. H. MALLORY,

Auditor of Public Accounts.

AUDITOR'S OFFICE,**JACKSON, (Miss.) Jan. 5, 1837.**

To the Honorable the Legislature of the State of Mississippi:

GENTLEMEN: In pursuance of "An act to define the duties of the Auditor of Public Accounts, and to establish his salary," I have the honor to submit to your honorable body a detailed report of the receipts and expenditures of the public moneys of the State from the fifth day of January, 1836, to the 29th day of February, 1836, the end of the fiscal year, exhibiting a balance remaining in the Treasury on that day, of forty-four thousand three hundred and twelve dollars and three-fourths of a cent. Also, the receipts and expenditures of the moneys of the State from the 1st day of March, 1836, the commencement of the fiscal year, to the 4th day of January, 1837, exhibiting a balance remaining in the Treasury on that day of one hundred and forty thousand and seventy-four dollars and thirty-three cents.

Amount remaining in the Treasury on the 4th day of January, 1836, and placed to the credit of the State,	\$88,710 83½
Amount received on account of the State Tax from the 5th day of January, 1836, to the 29th day of February, 1836, inclusive,	10,480 93½
Amount received on account of Hawkers and Pedlars during the same period,	140 00°
Amount received on account of slaves sold as merchandise during the same period,	68 50

Amount received on account of the sale of Town Lots during the same period, -	619 27
Amount received on account of the Treasury Fund, during the same period, -	161 00
	<u>\$100,180 54½</u>

*Disbursements under the several heads of Expenditures during
the same period.*

Disbursed on account of the Judiciary De- partment, from the 5th day of Jan., 1836, to the 29th day of Feb., 1836, inclusive, -	\$7,944 50½
Disbursed on account of the State of Missis- sippi during the same period, -	677 34
Disbursed on account of the Legislative De- partment during the same period, -	24,978 20
Disbursed on account of the Militia during the same period, -	257 74
Disbursed on account of the Executive De- partment during the same period, -	528 76
Disbursed on account of the Contingent Fund of the Executive Department during the same period, -	2,000 00
Disbursed on account of appropriations during the same period, -	19,481 99½
	<u>\$55,868 53½</u>

Which sum being deducted from the amount of receipts, shows a balance to have been in the Treasury on the 29th day of February, 1836, the end of the fiscal year, of forty-four thousand three hundred and twelve dollars and three-fourths of a cent, which amount was placed to the credit of the State on the first day of March, 1836, the commencement of the fiscal year.

Amount remaining in the Treasury on the first day of March, 1836, the commence- ment of the fiscal year, -	\$44,312 00½
Amount received on account of State Tax from the first day of March, 1836, to the 4th day of January, 1837, -	70,608 64
Amount received on account of Hawkers and Pedlars, during the same period, -	460 00
Amount received on account of slaves sold as merchandise, during the same period, -	82 00

Amount received on account of the Literary Fund, during the same period,	483 77
Amount received on account of Town Lots, during the same period,	1,512 17
Amount received on account of the State of Mississippi, during the same period,	151 05
Amount received on account of the Three cent. Fund, during the same period,	327,978 34

\$445,581 97

Disbursements under the several heads of Expenditures during the same period.

Disbursed on account of the Judiciary Department, from the 1st day of March, 1836, to the 4th day of January, 1837,	\$38,563 57
Disbursed on account of the Legislative Department, during the same period,	3,909 40
Disbursed on account of the Three per cent. Fund, during the same period,	198,059 81
Disbursed on account of the Executive Department during the same period,	6,963 48
Disbursed on account of Appropriations, during the same period,	8,094 17
Disbursed on account of Elections, during the same period,	376 00
Disbursed on account of the State of Mississippi, during the same period,	3,231 00
Disbursed on account of the Penitentiary, during the same period,	10,000 00
Disbursed on account of the State House, during the same period,	35,964 00
Disbursed on account of the Militia, during the same period,	250 00
Disbursed on account of the Seminary Lands, during the same period,	100 00

\$305,513 64

Which shows a balance to have been in the Treasury on the 4th day of January, 1837, of one hundred and forty thousand and seventy-four dollars and thirty-three cents, *varying* fifteen hundred and fifty-three dollars and three cents from the balance as exhibited by the Treasurer in his report of this date, which is accounted for as follows: From

the balance exhibited by the Auditor, deduct the difference between the balances which were exhibited by the Auditor and Treasurer, in their reports to the 29th February, 1836, which was satisfactorily explained in those reports, and the balances as exhibited by the Auditor and Treasurer in their reports of this date agree *precisely*. I have allowed to the tax collectors, who have made a settlement of their accounts, the sum of eight hundred and sixty-eight dollars and seventy-three and a half cents, on account of insolvencies and excess of taxation; and I have allowed, without warrant, on account of the Judiciary Department, twenty-nine hundred and eleven dollars and forty-one cents, on account of commissions for assessing the State tax, eleven hundred and eighty dollars and fifty-five and three fourth cents; on account of commissions for collecting the State tax, four thousand and seventy-six dollars and forty-four cents. The allowances without warrant being added to the several sums disbursed by warrant, and it shows that the actual expenditures of the State, under their several heads, from the 5th day of January, 1836, to the 4th day of January, 1837, were as follows:

Judiciary Department,	-	-	-	\$49,419	54
Legislative Department,	-	-	-	28,887	60
Executive Department,	-	-	-	7,492	24
Commissions for assessing the State Tax,	-	-	-	1,180	55½
Commissions for collecting the State Tax,	-	-	-	4,076	44
State of Mississippi,	-	-	-	3,910	48
Appropriations,	-	-	-	27,576	16½
Militia,	-	-	-	507	74
Elections,	-	-	-	376	00
Contingent Fund of the Executive Dep't,	-	-	-	2,000	00
Penitentiary,	-	-	-	10,000	00
State House,	-	-	-	35,964	07
Seminary Lands,	-	-	-	100	00

\$171,490 83

Statement A shows the amount of each subject of taxation, and the amount of the State tax due thereon, so far as assessment returns have been received at the Auditor's office. Statement B shows the number of shares of Bank stock owned by the State, and the number subscribed for on account of the different Funds of the State; and statement C is an exhibit of the Planters' Bank, which is presented for the inspection of the Legislature. The Auditor

regrets that he is unable to present to the Legislature a larger amount in the Treasury. The large appropriations made at the last session of the Legislature, the increase of the salary of the officers of the State, together with the defalcation of many of the Tax Collectors, has caused the Treasury to be at so low an ebb. I have taken measures to coerce as speedily as possible the payment of the several sums due by those in default to the State, which sums, together with the large amount which will be received on account of the State tax during the months of March and April next, will place the Treasury in an attitude to meet the ordinary expenses of the State. Should the Legislature deem it advisable to make any large appropriation during the present session, I would recommend that the Treasurer or Auditor, or both, be authorized to borrow from the Sinking Fund or Planters' Bank an amount necessary to meet such appropriations. In obedience to an act distributing the three per cent Fund among the several counties, I sold the stock of said Fund at a high premium, and have placed the amount in the Treasury. In pursuance of an act making it my duty to examine the Planters' Bank every year, I examined the Bank last month, and have the satisfaction to report to the Legislature that the result of my examination afforded the most clear and satisfactory evidence that the Bank is managed in a proper manner. The Bank declares annually a dividend of ten per cent on her stock. The General Government will, during the present year, be ready to pay to the authorized agent of the State the amount of the surplus revenue which the State of Mississippi may be entitled to receive, agreeably to the act passed at the last session of Congress, authorizing the distribution of said Fund among the several States. Should the Legislature determine by enactment to receive said Fund, I would recommend its immediate investment in stock of the Planters' Bank of the State of Mississippi. The stock of that Bank stands higher than any stock in the United States, and the investment of the portion of this surplus revenue to which this State may be entitled in stock of that Bank, will be immediately worth to the State at least one hundred and twenty-five thousand dollars, as the premium on the stock, if sold, would at any time after being taken, amount to that sum.

Hereunto appended and marked D, is a report made to this office by the President and Directors of the Gainsville and Markeeta Rail Road Company in conformity with the act passed at the last session of the Legislature authoriz-

ing the extension of said rail road from the State line of Alabama to Narkeeta in the county of Kemper in this State, which is presented for the inspection of the Legislature. I would recommend to the Legislature an *ad valorem* tax upon lands. The present system of taxing lands seems to me to be unjust, and is not fixed upon a fair and equitable ratio of taxation, as according to the present classification of lands, many of the most fertile and valuable tracts of land are not taxed higher than those which are sterile and of little or no value. I have placed the notes of the Seminary Fund in the Planters' Bank at Natchez. From the amount collected and dividends declared on the Stock of that Fund during the last year, I have taken two hundred and seventy-two shares of stock, which with the former shares taken, makes the number of shares of Stock of said Fund, which have been subscribed and paid for, seven hundred and twenty-one. As it is probable that the future sessions of the Legislature will end up to, or beyond the last day of February, at least in two years and as that day is made by law the close of the fiscal year, I would respectfully suggest, to your honorable body the propriety of changing the commencement of the fiscal year to a different period of time, say to the first day of April or May. This change would not only relieve the public officers from the confusion and embarrassment of attending to the business usually devolving upon the close of a session of the Legislature and the duty also of making out a report for the Governor at that time, but also give to the different Tax Collectors more time to make their returns, a failure to do which in due time, they frequently plead as an excuse the difficulties incident to travelling at that season. If this change takes place, or if it do not, I would urge upon your Honorable body the absolute necessity of increasing the penalties imposed upon defaulting Tax Collectors. As the law now stands, the withholding of the public moneys may be actually a source of profit to those whose duty it is to pay them over, but if the penalty be increased, official promptness will be secured.

All of which is respectfully, submitted,

JNO. H. MALLORY,

Auditor of Public Accounts.

STATEMENT A.

Names of the Counties in the State.	Value of Land.	Value of of town Lots.	Am't of sales of merchand-ize in 1835.	Am't of money loaned at interest.	Value of pleasure carriages	No. of Billiard Tables.
Adams, -	\$842,364	2,655,735	1,655,175	269,033	63,530	
Amite, -	237,112	16,625	58,214	40,421	4,885	
Attala, -	4,800	-	24,654	-	250	
Bolivar, -						
Copiah, -	160,828	54,850	138,839	8,315	1,550	
Claiborne, -	752,367	703,850	768,079	28,350	16,045	
Chickasaw, -						
Choctaw, -	-	-	4,484	2,547	900	
Clarke, -						
Covington, -	31,565	6,789	59,522	6,828	285	
Carroll, -	-	-	85,987	1,250	2,840	
Desoto, -						
Franklin, -						
Green, -	58,932	-	1,500	2,780	100	
Hancock, -						
Hindes, -						
Holmes, -	39,574	11,350	257,052	2,100	7,470	1
Itawamba, -						
Jackson, -	63,206	5,750	14,020	3,305	140	
Jasper, -						
Jefferson, -	717,595	166,358	349,440	13,348	15,175	
Jones, -	4,933	600	1,200	80		
Koahoma, -						
Kemper, -	-	-	39,165	4,928	2,839	
Lauderdale, -						
Lawrence, -	138,581	28,988	111,190	18,453	945	
Leake, -						
Lowndes, -	54,597	-	404,983	420	11,900	
Lafayette, -						
Madison, -	279,034	110,045	455,697	2,381	26,450	
Marion, -	101,987	4,575	62,268	41,258	1,460	
Monroe, -						
Marshall, -						
Neshoba, -	-	-	-	1,450	60	
Newton, -	-	-	2,100	420		
Noxuba, -						
Ocktibeha, -	-	-	9,518	300	1,090	
Ponola, -						
Pontotoc, -	-	-	148,370	465	1,395	
Perry, -						
Pike, -	103,324	9,831	73,688	30,646	970	
Rankin, -	14,460	45,200	83,847		850	
Scott, -	-	-	1,200	30	400	
Simpson, -	36,339	15,625	44,626	5,507	500	
Smith, -	-	-	900	300		
Tallahatchie, -	-	-	106,614	620	2,150	
Tippah, -						
Tishamingo, -						
Tunica, -						
Warren, -	557,945	1,443,275	1,044,180	20,779	13,315	1
Washington, -						
Wayne, -						
Wilkinson, -	736,274	201,597	225,867	14,673	32,760	
Winston, -	-	-	6,735	360	625	
Yellowbusba, -	-	-	145,283	-	925	
Yazoo, -	77,706	246,450	245,800	2,400	11,440	
Total,	5,013,583	1,727,493	6,590,197	523,747	223,254	2

STATEMENT A.—CONTINUED.

Names of the Counties in the State.	Bank Stock.	Sales at Auction.	No. of White Polls.	No of free persons of color.	Slaves.	Total am't of the State Tax. DOLLS. CTS.
Adams, -	\$200,000	-	537	8	10,233	\$25,808 31½
Amite, -	-	-	487	2	3,420	3,255 90½
Atala, -	-	-	225		273	311 14
Bolivar, -	-	-				
Copiah, -	-	-	566	3	2,142	2,565 21
Claiborne, -	-	-	712	8	6,773	10,316 19
Chickasaw, -	-	-				
Choctaw, -	-	-	281	1	455	416 32½
Clarke, -	-	-				
Covington, -	-	5,688	283		554	773 87
Carroll, -	-	-	554		2,446	1,983 00
Desoto, -	-	-				
Franklin, -	-	-				
Greene, -	-	-	127		241	356 28
Hancock, -	-	-				
Hindes, -	-	-				
Holmes, -	-	-	718	2	3,600	3,875 14
Itawamba, -	-	-				
Jackson, -	-	-	151		275	445 62½
Jasper, -	-	-				
Jefferson, -	-	2,000	420	2	6,330	7,408 35
Jones, -	-	-	95		82	103 12½
Koahoma, -	-	-				
Kemper, -	-	-	328		1,161	964 53
Lauderdale, -	-	-				
Lawrence, -	-	-	510		1,469	1,861 85½
Leake, -	-	-				
Lowndes, -	-	-	656	1	4,024	4,038 00
Lafayette, -	-	-				
Madison, -	-	-	686	3	8,218	7,784 89½
Marion, -	-	-	281		1,094	1,329 07
Monroe, -	-	-				
Marshall, -	-	-				
Neshoba, -	-	-	58		94	84 73
Newton, -	-	-	169		156	167 17
Noruba, -	-	-				
Ocktibeha, -	-	-	218		696	569 62½
Ponola, -	-	-				
Pontotoc, -	-	-	257		629	875 55
Perry, -	-	-				
Pike, -	-	-	513		1,450	1,651 85
Rankin, -	-	-	371	2	1,112	1,208 64½
Scott, -	-	-	84		97	99 20
Simpson, -	-	-	359		656	805 02
Smith, -	-	-	135		151	152 87½
Tallahatchie, -	-	-	257	1	1,236	1,185 94
Tippah, -	-	-				
Tishamingo, -	-	-				
Tunica, -	-	-				
Warren, -	-	-	690	6	6,319	12,499 78
Washington, -	-	-				
Wayne, -	-	-				
Wilkinson, -	-	-	704	4	7,140	7,356 78
Winston, -	-	-	255		338	331 80
Yellowbusha, -	-	-	541		1,601	1,576 97
Yazoo, -	-	-	684		5,406	5,180 54
Total,	2,000,000	7,688	12,912	43	798171	\$107,843 29½

STATEMENT B.

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No. of shares owned by the Seminary Fund.	No. of shares owned by the State.	Name of the Bank in which shares are held.
721	20,000	Planters' Bank of the State of Mississippi.

STATEMENT C.

State of the Planters' Bank of the State of Mississippi, on the eighth day of December, 1836.

Bills discounted, viz: -	-	-	\$3,942,733 67
On personal security, -	-	-	610,744 66
ON STOCKS:			
Domestic bills of exch'ge,	-	-	3,831,978 78
Northern do. -	-	-	317,020 11
Foreign do. -	-	-	20,489 09
Suspended debt, -	-	-	583,957 95
Real estate -	-	-	179,261 71
Exchange account, -	-	-	33,113 72
Deferred interest, -	-	-	119,296 64
Transfer drafts, -	-	-	200,000 00
State bonds, -	-	-	15,000 00
DUE FROM BANKS:			
Ba'k of the State of Miss.	\$ 65 00		
Commercial Bk, Natchez,	26,875 73		
DISTANT BANKS:		26,940 73	
Bank of Pittsburg, -	154 25		
Franklin Bank, Baltimore,	905 11		
Louisville Sav. Institution	2 98		
N. Orleans Gas Light & Banking Company, -	5 94		
Grand Gulf Railroad and Banking Company, -	20,845 89		
Commercial and Railroad Bank, Vicksburg, -	21,113 94		
Com'cial Bank, Rodney,	14,816 76		
Do. Bank, Manchester,	1,925 32		
Girard Bank, Philadelphia,	203,303 25		
		263,073 44	
Bank notes on hand, -	-	-	290,014 17
Specie, -	484,320 31		112,260 47
Gold, -	84,481 87		568,802 18
			10,824,693 15

STATEMENT C.—CONTINUED.

Capital stock paid in, - - -	-	-	\$4,172,940 00
DISCOUNTS, &c:			
Discounts received, - - -	\$82,793 29		
Exchange account, - - -	128,401 10		
Damages, - - -	20,027 26		
Interest, - - -	20,781 30		
			252,002 95
Profit and loss, - - -	-	-	664,355 68
Treasurer of United States, - - -	-	-	1,362,333 51
PUBLIC OFFICERS:			
Treasurer U. States for P. O. Depart.	-	-	11,342 40
Pension Agent, - - -	-	-	14,896 31
State Treasurer, - - -	-	-	182,106 59
Suspense Account, - - -	-	-	14,491 08
Unclaimed dividends, - - -	-	-	33,621 99
DUE TO BANKS:			
Agricultural Bank, - - -	-	\$50,768 21	
DISTANT BANKS:			
Commercial Bank, Columbus, - - -	17,880 21		
West Feliciana Railroad Bank, - - -	7,970 94		
Atchafalaya Railroad & Banking Co. - - -	845 98		
Canal & Banking Company, N. Orleans - - -	18,896 21		
Bank of Chillicothe, - - -	21,772 03		
City Bank, New Orleans, - - -	1,948 73		
Commercial Bank, Cincinnati, - - -	4,026 84		
Farmers' & Merchants Bank, Memphis - - -	9,951 44		
Lafayette Bank, Cincinnati, - - -	9,997 35		
Bank of the N. York Dry Dock Com. - - -	4,685 58		
Mechanics Bank, New York, - - -	9,901 78		
Office Mech's & Traders' B'k, Vidalia - - -	828 64		
Bank of Virginia, Lynchburg, - - -	6,706 08		
Bank of the Metropolis, - - -	17,600 00		
Agency Com. B'k Cincinnati, St. Louis - - -	1,114 00		
Bank of Louisiana, - - -	104,473 09		
Bank of America, - - -	75,915 65		
Union Bank of Louisiana, - - -	126,114 54		
Commercial Bank, New Orleans, - - -	5,966 68		
Bank of Orleans, - - -	2,387 92		
Union Bank of Tennessee, - - -	13,337 16		
Planters' Bank, - - -	1,101 69		
State Bank of Alabama, - - -	42,781 39		
Bank of Mobile, - - -	3,911 08		
Bank of Louisville, - - -	11,415 49		
Merchants' Bank, Baltimore, - - -	1,812 13		
Northern Bank of Kentucky, - - -	4,224 40		
Farmers' Bank of Virginia, Lynchburg - - -	6,039 96		
		533,607 02	584,575 23
Circulation, - - -	-	-	1,911,426 51
Individual deposits, - - -	-	-	382,007 57
Deposit certificates, - - -	-	-	27,091 50
Bills payable, - - -	-	-	1,186,326 00
Post Office Department, - - -	-	-	979 28
Sinking Fund - - -	-	-	3,632 91
Literary Fund, - - -	-	-	13 73
Three per cent. Fund, - - -	-	-	28 20
Seminary Lands, - - -	-	-	20,121 61
			10,824,693 15

PLANTERS' BANK, NATCHEZ, Dec. 8, 1836.

E. P. FOURNIQUET, Cashier.

STATEMENT D.

Annual Report for 1836, of the President and Directors, of the Gainsville and Narkeeta Rail Road Company, to the Auditor of Public Accounts of the State of Mississippi.

SIR: Inobedience to an act of the Legislature of Mississippi, approved the 27th February, 1836, entitled "An act to authorise the Gainsville and Narkeeta Rail Road Company, incorporated by an act of the State of Alabama, approved the 8th day of January, 1836, to extend said Rail Road from the State line, to Narkeeta in the County of Kemper in this State," the President and Directors of said Company, have the honor herewith to submit their first annual report "for the inspection of the Legislature of Mississippi," showing the operations of said company up to the 15th of Dec. 1836.

For the purpose of ascertaining the practicability of the proposed Rail Road, the services of Captain D. H. Bingham, a *Civil Engineer* of high distinction, were in the month of January last procured to make a reconnoissance of the country between Gainsville and Narkeeta, by the instrumentality and upon the responsibility of the late Moses Lewis, dec'd, a talented and public spirited gentleman, with whom this scheme first originated, but who was removed by death in the month of October last; the unhappy circumstance occasioning no little anxiety with the friends of this improvement. The service however was promptly performed, and a highly favorable report submitted. But no further step was at that time taken by the Commissioners appointed by the Act of Incorporation, they conceiving it proper to suspend the opening of books for the subscription of stock, until authentic information should have been received of the passage of the Act of the Legislature of Mississippi, granting to the company the rights and privileges sought from that State. This information was received in the month of April following, but the period was then too late to admit of the pre-requisite notice, and the opening and closing of books in time for the election of President and Directors, "on the first Monday in May 1836," as provided by the charter; and consequently there could be no organization of the company, until the first Monday in May 1837, without an act of the Legislature of Alabama amending the charter in this particular.

Thus circumstanced, the Commissioners determined to

give a longer notice of the time and place of opening books, than was required by the charter. Accordingly such notices were given, and on the fourth day of July, books were opened in the Towns of Gainsville and Clinton in the State of Alabama, and at the Post Office of Narkeeta in the State of Mississippi, for the subscription of the capital stock of the Company, in which the Commissioners found upon their examination made on the 30th November last, that the aggregate number of 1816 shares had been subscribed, under the charter, without any condition. Of this number, five hundred and thirty had been taken by citizens of the State of Mississippi,—and that the whole number of stockholders whose names appeared, was 184, of whom 91 are citizens of the State of Mississippi, and 93 are citizens of Alabama.

From the great interest, zeal, and public spirit, manifested by the citizens of both States in the progress of this improvement, individual stockholders in the month of August, felt themselves warranted in anticipating the time of the organization of the company, (which it was confidently believed would occur in the month of November, under authority of an Act of the Legislature of Alabama, which it was expected would be passed early in that month,) and upon their individual responsibility, procured the services of Capt. Bingham, to examine and survey a route for the Rail-road, and execute the necessary plans and estimate for the work.

This labor was promptly done.—The experimental line of survey having been commenced at Gainsville, was run over the most favorable and open ground for this purpose; passing the Post Office of Narkeeta, and terminating at the Eastern point of the beautiful sandy land ridge, upon which the first portion of the Town of Narkeeta was sold, on the 18th of November last. The Engineer's Report of this service is appended, marked (A.)

On the presentation of this report, the Engineer was instructed by the same individuals, to give public notice in a leading newspaper in each of the cities of Tuscaloosa, Mobile, Cincinnati, Washington, Boston, Baltimore, Philadelphia and New-York, of the intention of the company to put the first ten miles of their Road under contract, on the 8th day of December 1836; and to invite proposals from contractors for that purpose. He was at the same time instructed, to locate the first ten miles of the road agreeably to the plan, predicated upon the experimental survey—all of which was promptly done.

At the meeting of the Legislature of Alabama, which convened on the first Monday of November 1836, application was made for the desired amendments to the charter, and on the 23d day of that month, an Act which had been previously passed by the two Houses of the Legislature, was duly approved by the Governor, granting to the company all that was asked. (A certified copy of which is hereunto appended, marked B.) Previously to its passage however, and in anticipation thereof, the commissioners had issued a notice to the stockholders, and caused it to be industriously circulated among them, to meet at the town of Gainsville, (as provided by the charter) either in person or by proxy on the 30th day of November, for the purpose of electing the officers necessary to organize the company.

On that day a very large majority (both in number and in value,) of the stockholders, duly cast their votes and elected the proper officers. Of these officers, four Directors are citizens of the State of Mississippi; two others reside near the line of the Rail-road between Gainsville and the State line, and the remaining six reside in the town of Gainsville; thus securing a quorum of the Board, convenient to the scene of active operations, for the next twelve months. At the same time each stockholder, (with the exception of one individual who declined to vote on this point) either in person or by proxy, expressly instructed the Board of Directors then being elected, to use the proper means to ensure the completion of the first ten miles of the Rail-road, within twelve months.

On the next day the President and Directors were duly sworn, and promptly recognised and adopted the acts, which had been previously those of individuals only, as the acts of the Board.

Finally, as to the operations of the company the President and Directors have the pleasure to report, that on the 8th instant, they succeed in putting under contract the graduation of the first ten miles of the Rail-road, upon terms which they believe to be advantageous to the company, and have since made arrangements to procure the iron and other materials for its superstructure; with the confident expectation that this portion of the road will be in readiness for use in the month of January 1838.

With the view of more fully "showing the situation of the company," it will not be improper to advert very briefly to several facts and circumstances connected with its views and prospects. The great object of the company is to open a free and cheap *communication* between that fertile, elevated, and (mainly) sandy-land region of Mississippi, included

in the counties of Kemper, Lauderdale and Newton, and in part of the counties of Leake, Winston and Noxubee—and the Tombigbee River.

This region of country is separated from this River by a belt of Prairie—Prairie natured and black land—of more than twenty miles in width, which runs parallel with the river for many miles both above and below Gainsville. The obstacles to travel and transportation presented by it are enormous and can be effectually overcome only by Rail Roads. The truth of this proposition is well established and the promptitude with which the citizens of Mississippi, who have to encounter these difficulties, have embarked in this scheme and the zeal and anxious interest which they have constantly evinced for its speedy and final completion, have shown most conclusively *their* convictions of its truth. This communication it is proposed to open through the Town of Gainsville, Alabama, and the now rising Town of Narkeeta, in Mississippi, by means of this Rail-road. Gainsville was settled about four years since and contains at present but little over seven hundred inhabitants.

Under the influence of the trade from this portion of Mississippi, it has for the last three years increased in importance, in a ratio commensurate with the settlement and the development of the resources of the region, which the construction of the Rail-road cannot fail greatly to accelerate and increase. Its location is upon an elevated and healthy Bluff on the west side of the Tombigbee river, which is navigable to this point for steam-boats from seven to eight months in the year, three-fourths of a mile below the mouth of Oaknoxubee, and abundantly supplied with water by numerous springs of the purest free-stone water.

The amount of merchandize, ascertained to have been sold here during the twelve months preceding the first day of December, 1836, exceeds the sum of two hundred and eighty-seven thousand dollars; of which sum it is estimated, that at least \$105,000 was sold to citizens of Mississippi, inhabiting the region of country which this Rail-road is intended to accommodate; but this sum is but a small proportion of the whole amount of merchandise which they have received through the Tombecbee river, since a very considerable proportion has passed through McKee, Jamestown, Sumpterville, Paynesville, Livingston, and the numerous country stores; all of which will be taken from the Tombigbee at Gainsville, and carried through Narkeeta, on the completion of the Rail-road, at a very great saving in transportation.

Of the crop of cotton made in 1835, it has been ascertained that over eleven thousand bales were shipped from Gainsville, and of this number it is estimated that near five thousand bales were brought from Mississippi.

Of the crop of 1836, up to the 15th of December 3270 bales have been received at Gainsville, against 1100 at a corresponding period of the last year; and it is estimated that of the whole crop of 1836, not less than 17000 bales will be shipped here; of which Mississippi, it is estimated, will send nine thousand.

Both Gainsville and Narkeeta are situated upon the most direct route from Tuscaloosa, Alabama, to the City of Jackson in Mississippi; and the construction of the Rail-road will remove the only obstacle to connecting these two capitals, by first rate common roads, coincident with the views of the State of Alabama, on this point, as indicated by the opening of a State Road from Tuscaloosa, Alabama, to the State line in the direction of Jackson, under a special act of the Legislature of 1833; and at the same time the Rail-road will be a part of the route, by which the great Eastern mail will reach Jackson by the way of Montgomery and Greensborough, Alabama.

In passing from Gainsville to Narkeeta, the first fifteen miles and a quarter of the Rail-road will be in the limits of Alabama, and the remaining seven miles in Mississippi, terminating at Narkeeta, which is situated on the west side of Sacarnatchee river, at a point nine miles south of an east and west line drawn through Gainsville.

The act of the Legislature of Alabama, before referred to, under which the company was organized, also provides for the construction of a branch Rail-road from some suitable point on the line of Rail-road between Gainsville and Narkeeta, to the State line in the direction of the town of Macon, in the State of Mississippi; and also removes the disability, imposed upon the company by the original charter, to receive a grant of banking powers from the State of Mississippi.

The whole length of the contemplated branch Rail-road, will be about thirty-five miles, of which thirteen miles will be within the limits of the State of Alabama. The character of the country over which it will pass is in a high degree favorable to its construction, and the public benefits that will result from it will be very great.

The company will therefore apply to the Legislature of Mississippi, for a grant of equal powers and privileges, in relation to this branch Rail-road, to those granted them by

that State for the construction of the Rail-road, from the State line to Narkeeta. At the same time the company will apply to the Legislature of Mississippi, for a grant of banking powers, to be exercised within the limits of that State; and will predicate this application upon the unquestionable fact, that a very large portion of the people of the eastern part of that State, have a deep and abiding interest in the speedy and entire completion of this scheme of internal improvement—an interest which the president and directors are persuaded will be esteemed by the Legislature of Mississippi, of amply sufficient importance to deserve the fostering care of the State; and upon the expediency of supplying by this means the want of banking facilities so severely felt by the people of this portion of the State, which were made known to the Legislature of Mississippi at its last session.

The Gainsville and Narkeeta Rail-road Company, was gotten up originally, for no other purpose than that of constructing the public improvement in which it is now engaged; the wants of the country seeming imperiously to demand such a work. And the fact, that individual resources should have done so much, in a period so short, under all the difficulties incident to such a work, in a country so new as this, and in times when labour and materials are so exorbitantly high, seem at least strongly to show, that there was a considerable necessity for this work. And if this be true, a mere glance at the map, will of itself be sufficient to show, that Mississippi must be infinitely more interested in this improvement, than Alabama can possibly be.

If then, that State is so much interested, will not her Legislature extend to this company, the same privileges which have been heretofore so often granted by it to other companies, engaged in like improvements; especially when it is borne in mind, that the "*quid pro quo*" is in part, already rendered by the company?

With the aid of banking powers, this company will confidently expect to complete this entire scheme, in a period of three or four years at most. And with the privilege of extending this Rail-road, from Narkeeta to Jackson in Mississippi, and authority to make a corresponding increase of the capital stock of the company for this purpose, they will undertake to do thus much, within a suitable period for the completion of the contemplated continuous line of Rail-road communication, between Charleston, South Carolina, and the Mississippi river; of which line, the Vicks-

burg Rail-road will be a component part. (Upon which subject, a communication of Captain Bingham is appended, marked C.)

All of which is most respectfully submitted,

CHRISTOPHER C. SCOTT, *President.*

JOHN C. WHITSETT,
WILLIAM M. LEWIS,
ALEXANDER CAMPBELL,
WILLIAM B. COBB,
LYLE B. FAWCETT,
ELIHU MOFFITT,
JOSEPH A. MARSHALL,
JOHN H. COLE,
JOHN CARTER,
JOHN M'WOOTEN,
ALLEN HARRISON,
WILLIAM O. WINSTON, *Directors.*

[A.]

ENGINEER'S REPORT ON THE SURVEYS

To the President and Directors of the Gainsville and Narkeeta Rail-Road Company.

GENTLEMEN :

In pursuance of your appointment to examine and survey a route for a Rail-road from Gainsville to Narkeeta, I have made the examination and survey, and having completed the calculations and plans necessary to enable me to arrive at an estimate of the probable cost of your work, have now the honor to submit to you the following report, with the accompanying map and profile of the country, as the result of my labors in your service :

In a former communication, made in the month of January last, I communicated to you such views, as a very slight and cursory reconnoissance of the country enabled me to form, and I am happy to inform you, that upon a more minute and critical examination of the country instrumentally made, they have been fully sustained by the very favorable character of the country which the entire route for your road presents. Indeed less difficulty in obtaining a route, both as it relates to the surface of the ground to be traversed by the road, as well as to the character of the alignment, has been found to exist, than was anticipated from the reconnoissance made in the winter. Commencing at Gainsville, the route may be located on a straight line, following a slue or ravine, that leads out to the ridge, that

lies between the Noxubee river and Factory creek, the length of which, is about three-fourths of a mile. Gaining this ridge, which has an elevation of only 59.54-100 feet above the main street in Gainsville, the line will be straight for the distance of ten miles 4300 feet. The surface of the ground is gently waving, and presents but one principal summit to be passed, which has an elevation of 120.10-100 feet in the distance of five and a half miles from the river. At the termination of the straight line, near the head waters of Factory creek, the face of the country becomes considerably diversified by the sudden elevations of the ground, and is much broken for the distance of one and a quarter miles. These hills, which extend some distance to the right and left of the line, surrounded the head waters of Factory creek, Looksookooloo and Bodker's creek and will require frequent changes in the direction of the route as well as much heavy labour and expense, in graduation. Gaining the summit of these hills, which forms the dividing ridge between the waters of Looksookooloo and Bodker, and which presents an elevation of 163.55-100 feet, but one change in the direction of the route becomes necessary till it approaches the Mississippi line. The surface of the ground is remarkably even and regular; and will require but little labor or expense to adapt it to the planes of the road.

From the Mississippi line to Narkeeta, the character of the line is very direct, though the surface of the ground is considerably undulating. Gaining the valley of one of the tributary branches of Quilby, the route may be carried on a very even and gradually ascending surface to the summit of the ridge between Sucarnachy and Quilby, by following the meanders of this branch, which, although it might obviate to a considerable extent the heavy work on this portion of the route, would not it is believed diminish its cost, in consequence of the increased distance required to obtain a more even surface, than the one over which the present line passes. From the ridge intervening between the Sucarnachy River and Quilby, which has an elevation of 146.32-100 feet, the surface of the ground declines quite rapidly to the swamp of this River. The descent in half a mile is 45.67-100 feet to the swamp of Sucarnachy, which at this place is nearly three-fourths of a mile in width, and will require the grades of the road to be elevated from three to six feet in height, in consequence of its inundation in high water.

Narkeeta is 22 miles and 540 feet from the River at

Gainsville, and has an elevation of 98. 16-100 feet above that place. The general character of the route is remarkably direct, and the profile is highly favorable, with the exception of about a mile and a quarter about the head waters of Factory and Looksookooloo Creeks. The curvatures in the line will be few and of a large radius; and the grades of an inclination adapted to the favorable use of locomotive power. Having given a description of the character of the route and of the country over which it passes, I proceed to detail the plan of construction, and subjoin the estimated cost. The plan of construction proposed to be used, consists of a graduated earth foundation prepared by excavation and embankment, on which is laid a wooden rail-way, covered with iron plate rails. The road bed to be graded 12 feet wide, and in excavations, provided with ditches for draining off the water, and also provided with culverts, where they shall become necessary for the passage of the water under the road. In the absence of rock, of which there is none on the route, the material that must be used for the construction of culverts is wood, and the plan of their construction has been so contrived that they may be readily repaired upon decay. The rail-way will consist of post oak sleepers and long leaf pine or cypress rails, covered with an iron plate rail two inches wide and three-fourths of an inch thick. There is but one principal bridge on the route; this is across Sucarnachy at Narkeeta, a plan of which is submitted.

The estimated cost of the Road is as follows:

279,378 cubic yards of Excavation and Em-	
bankment, including cost of culverts,	\$57,875 60
22 miles of rail-way, at \$3,003 04 cents per	
mile,	66,066 88
Bridge over Sucarnachy,	2,000 00
Cost of 2 depots, turnouts and double track,	5,175 87
50 wagons. 2 locomotives and tenders,	20,000 00
Add 10 per cent. for contingent charges, En-	
gineers' salary, &c.	15,111 83
Total cost of Road and appendages,	<u>\$166,230 18</u>

The foregoing estimate, contemplates a class of road of the most permanent and substantial character, constructed of similar materials, and is conceived to be sufficiently ample to cover the entire cost of the work, with the exception of a branch, that would become necessary, extending

from some point of the main line in the town of Gainsville, to the steam mill. This branch will be about 4,000 feet in length, and will cost about five thousand dollars. Of the probable amount of revenue that will be derived from the transportation on the road, I have only to repeat the opinion expressed to you, in my report on the reconnoissance of the route, made in January last. This opinion, though it was predicated upon a very slight knowledge of the country, with such information as was then in my power to obtain, has since been corroborated by an actual examination of the counties which this road will accommodate; and the examination has afforded the most gratifying proof of the correctness of the opinion then expressed, as well in relation to the capacity of the country to sustain the road, by the amount of agricultural productions to be carried over it, as by the great probability of its becoming a link in that chain of Rail Road communication, which at no distant day, will connect the Mississippi with our Eastern Cities, and thereby constitute it a portion of that great thorough-fare. I therefore reiterate the opinion, that within three years from the completion of your Road, it will yield an annual nett revenue of thirty-five thousand dollars, or about 21 per cent. per annum on the capital invested. In conclusion I would remark, that so generally have the calculations of the Excavations and Embankments been made, and the most unfavorable suppositions made for unforeseen contingencies, where any uncertainty existed of the character of the earth below the surface, that I am confident the estimate is fully ample to the accomplishment of the work.

Respectfully submitted,

By, gentlemen,

Your ob't serv't,

H. D. BINGHAM,

Civil Engineer.

SEPTEMBER, 1836.

[B.]

AN ACT

To amend an Act, approved 9th January, 1836, entitled an Act to incorporate the Gainsville and Narkeeta Rail Road Company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the third section of the above re-*

recited act, as requires the stockholders in said company to meet on the first Monday in May, 1836, and which requires the annual election of directors for said company to be held on the first Monday in May, be, and the same is hereby repealed. And that it shall be the duty of the commissioners named in the second section of the above recited act, or any four or more of them as soon as may be, after the passage of this act, to cause a general meeting of the stockholders in said company for the purpose of organizing said rail road company, according to the meaning and intent of the third section of said act as now amended.

SECT. 2. *And be it further enacted,* That the jury of seven disinterested freeholders, directed by the 8th section of the above recited act, shall be summoned if practicable, from among those who may reside within the vicinity of the road; *provided,* however, that the lawful holders of certificates of location, or of final payment, issued by any agent of the United States, shall be considered freeholders for this purpose.

SECT. 3. *And be it further enacted,* That the second proviso contained in the fourteenth section of the above recited act, shall not be so construed as to disable said rail road company from receiving a grant of banking powers from the State of Mississippi, to be exercised exclusively within the limits of that State; *provided,* that no branch of any Bank that may be established by the State of Mississippi in connection with, or for the purpose of facilitating and completing the construction of said rail road, or of conducting or aiding in carrying on the business thereof, nor any agency of such Bank shall be established directly or indirectly, within the limits of this State.

SECT. 4. *And be it further enacted,* That said rail road company be, and they are hereby authorized, to construct a branch rail road from some suitable point on the line of rail road between Gainesville and Narkeeta, to the Mississippi State line in the direction of the town of Macon, in the State of Mississippi, with powers and privileges for this purpose, equal to those conferred upon said company, for the construction of the rail road from Gainesville to said State line in the direction of Narkeeta.

SECT. 5. *And be it further enacted,* That for the purpose of constructing said branch rail road, the said company be, and they are hereby authorized, to increase their capital, in the same mode by which it was formed under the above recited act, to any sum not exceeding seven hundred thousand dollars, instead of three hundred thousand dollars, as

allowed by the above recited act; *provided however*, that nothing in this act shall be so construed as to prohibit the General Assembly, at this or any other subsequent session, from granting a charter for a rail road, to run from Fairfield in Pickens county, to the Mississippi line, in the direction of Macon, in Mississippi, and that they shall commence said branch rail road within two, and complete it within eight years, from the passage of this act, or forfeit the powers and privileges granted to them respecting the same.

Signed,

A. P. BAGBY,

Speaker of the House of Representatives.

HUGH M'VAY,

President of the Senate.

Approved Nov. 23d, 1836.

C. C. CLAY.

I, EDWARD A. WEESTER, Secretary of State in and for the State of Alabama, do hereby certify that the foregoing is a true copy of the Bill, taken from the original roll on file in my office.

[L. S.]

Given under my hand and seal of the State,
at Tuscaloosa, this 23d Nov. 1836, and
61st year of the Independence of the United States of America.

E. A. WEBSTER,

Sec'y of the State.

[C.]

Gainsville, Dec. 15th, 1836.

To COL. C. C. SCOTT.

SIR—In reply to your inquiry in reference to the practicability of extending the Gainesville and Narkeeta rail-road to Jackson, in the State of Mississippi, then to unite with the Jackson and Vicksburg rail-road, I would remark that during the past season I devoted some weeks to a reconnoissance of the country intervening between the Tombechee and Madison county, in that State, with a view principally to inform myself of the practicability of extending the road under our views, and my observations resulted in forming the most favorable opinion of the character of the country. Without going into a detailed de-

scription of the character of the country, it may however be observed, that after passing the Sucarnachee river, the face of the country presents a very regular and even surface, through the vallies of the Paticfar and Little Yazoo creeks, tributaries of this river, to the main summit or ridge, lying between the Tombecbee and Pearl, and surrounding the head waters of the Chickasawhay and Leaf rivers. This ridge is of moderate elevation, and presents quite a regular and smooth surface, extending in a westwardly direction, from which the access would be easy through the valley of the Tuskelemeta to Pearl river, the only considerable stream to be crossed between Gainesville and Jackson. From the character of the country as indicated by the water courses, I am led to conclude that a route lying south of the Tuskelemeta, passing from the south eastern corner of Leake county, directly through the counties of Scott and Rankin, to Jackson, would be found equally as eligible. The route for the entire distance would be remarkably direct, and the inclinations exceedingly moderate indeed. There is perhaps no section of country in the Union of the same extent, presenting so many facilities, and so few difficulties for the construction of a line of rail-road: nor none which promises a more ample return on the capital invested. The rapidity with which the several lines of rail-road communication are progressing towards us from the north eastern section of the Union, gives every assurance of their ultimate extension to the Mississippi river. Indeed the only remaining links yet to be supplied, to complete a continuous line of rail road communication, now either completed and in operation, or in a forward state of progress, from the city of Charleston to Vicksburg on the Mississippi, are those intervening between the town of Montgomery in this State, and Gainesville, Narkeeta and Jackson in Mississippi, a distance of only about two hundred and forty miles. Looking forward to the consummation of this event, at a period by no means remote, the improvement under our view presents itself as one among the most important in the country, constituting, as it would, a link in the great thoroughfare connecting the Atlantic and Mississippi.

I have the honor to be,

Your most ob't serv't,

D. H. BINGHAM, *Civ. Engineer.*

On motion of Mr. Hargis,
The reading of said reports was dispensed with.

On motion of Mr. Alsbury,

Ordered, That five hundred copies thereof be printed for the use of the Senate.

Mr. Alsbury, by leave of the Senate, introduced a Bill to be entitled "An act relative to the county of Perry."

Which was read the first time.

The President appointed the following members to fill vacancies in the standing committees of the Senate.

On the Judiciary—Mr. Winchester.

On Claims—Mr. Moore.

On Accounts—Mr. Love.

On Elections—Messrs. Moore and Love.

On motion of Mr. Sharpe,

The Senate took a recess of twenty minutes.

Mr. Alsbury, from the joint select committee appointed to wait upon his Excellency the Governor, and inform him that the two Houses have convened, agreeably to adjournment, formed quorums, and are now ready to receive any communication he may have to make, reported :

That they had performed that duty, and received for answer, that he will on this day at 12 o'clock, M. make to the respective Houses a communication in writing.

Mr. Toomer offered the following resolution :

Resolved, That Monday, Tuesday, Wednesday, of every week be exclusively devoted to the consideration of the revision of the statute laws, until the final disposition thereof, and Friday and Saturday of every week to the other business.

Mr. Haley moved to lay said resolution on the table;

And the question being taken thereon,

It was decided in the negative.

The question then recurred on the adoption of said resolution;

And the question being taken thereon,

It was decided in the negative.

So the Senate refused to adopt the resolution.

On motion of Mr. Sharpe,

The Senate took a recess for twenty minutes.

On motion of Mr. Hargis,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The President announced to the Senate the appointments of members to fill vacancies in the committees of the Senate:

On the Chickasaw Treaty—Mr. McRaven.

On the Seminary of Learning—Messrs. Moore and Love.

On Revision of the Laws—Messrs. Moore and Winchester.

Mr. Buckner asked and obtained leave of absence until Monday morning next.

A message from his Excellency the Governor, by Mr. Talbott, his private Secretary.

Gentlemen of the Senate,

and of the House of Representatives:

Clothed with the power, and intrusted with the legislative authority of the people of this State, you have convened in conformity to adjournment, and at a period auspicious and particularly interesting to your constituents. All the advantages to be derived from civil and political rights, are secured and placed within their reach by the free principles of their government, and the action of their immediate representatives. The enjoyment of those numerous social and political blessings, is well calculated to fill us with grateful emotions; and should not fail to inspire the fixed purpose of discharging the obligations their possession imposes upon us, in a manner that they may descend unimpaired to posterity.

In the conscientious performance of the duties enjoined upon me, under the direction of the constitution and the law, I am sensible that my conduct may often require, as I trust it will receive, the liberal interpretation of your body.

Your present session will be distinguished in the history of the State, by a revision and re-enactment of a code of laws: a measure that promises many and important benefits, and one that has become almost indispensable from the labor and research required in hunting up our scattered acts. By reducing and digesting, under appropriate heads, our statutory provisions, a general knowledge of municipal law is made more accessible, its administration enlightened, and the ends of justice facilitated and made more certain. It is not only necessary to insure satisfactory decisions, and the support of the laws, that they be righteously administered; it is equally essential to secure, as far as possible, the confidence and affections of the community, in the ability and purity of the tribunals of justice. This desirable object is most likely to be obtained by a more general dissemination of the laws, and by removing, as far as may be, all the fertile grounds of discontent, jealousy, and excitement. I copy of an act of Congress, entitled "an act to regulate

the deposits of the public money," is herewith transmitted for your early consideration.

Whether the State can at once avail itself of the provisions of the 13th section of said act, by your immediate action, without violating the intent and spirit of the 9th section of the 7th article of the constitution; or whether the inhibition it imposes does not suspend the acceptance of the amount to be deposited, for the sanction of the Legislature of January next, is a question that first presents itself for your decision.

The principles involved in this distribution, under the act of Congress, are to be deprecated, as well on account of their mischievous tendency, as for their unequal operation towards the new States. We should encourage and lend our aid to such measures as are calculated to suppress a redundant revenue—to supercede the necessity of such a distribution among the States, by preventing the accumulation of a fund in the national treasury, beyond the actual wants of the country. If, however, such a surplus is found to exist, there can be but one opinion as to the policy of its equitable disposition in some way; nor do I suppose, in this instance, there can be less unanimity as to the State accepting the trust, and becoming the repository of the fund proposed to be deposited for safe keeping, and its reimbursement when called for.

The reception of the amount allotted to this State, will impose the important consideration as to its judicious investment.

On a former occasion, when urging the propriety of certain schemes of internal improvement, I directed the attention of the Legislature to the claims of this State upon the general government, as a source whence a considerable amount would probably be derived, and its proper application as an auxiliary aid in the completion of certain public works; and I beg leave now respectfully to suggest for your consideration, whether this fund may not be safely and profitably disposed of by loan or otherwise, to aid and encourage the vigorous and speedy prosecution of certain measures of internal improvement, whether its application to a general school system promises greater advantages, or whether it shall constitute a loan office. If the fund was more ample, and its disposition to be influenced by stock-jobbing considerations, the immediate profits to be derived to the State, from the latter source, would hold out strong inducements; but there are other enlarged and more liberal views that may claim your attention, and bear forcibly on your deliberations.

The several rail roads already commenced, and now in progress under the most favorable auspices, together with other schemes in contemplation, have enlisted a spirit of enterprise that cannot fail to produce great and lasting benefits if properly encouraged. The direct advantages that must result to our commerce, from the successful experiment witnessed in the safe arrival of vessels, with full cargoes, at Natchez, Grand Gulf, and Vicksburg, will give an impetus and direction to the internal trade of the country, well calculated to promote our best interests, by retaining and circulating among our own citizens, a large amount to be derived from, and incident to the shipment of our cotton, as well as our imports, that now constitute, by monopolizing our commercial operations, a great portion of the circulating currency of a sister State. All the avenues of intercommunication that promise increased facilities, to a safe and easy transport of the products of the country to the various market places, should be opened and encouraged; but more especially those leading to the ports and markets within our own limits, to which this internal policy must naturally give rise. If it should appear that the prosecution of the work is likely to be retarded, from the want of resources beyond the reach of the individual undertakers, your patronage should be liberally bestowed in aid of a project that opens with so cheering a dawn, and so full of promise in its consummation, to the prosperity of the State.

When I had first the honor to recommend and urge the policy of rearing up home markets, the project met with an opposition as strange as suicidal. The spirit and temper with which the idea of towing ships up to Natchez was ridiculed as a wild and visionary scheme, was calculated to damp the enterprise necessary to a bold experiment; and savored more of an interested and foreign policy, than a disposition to advance and protect the immediate interest of the State. But whatever diversity of opinion may have heretofore existed, all I presume will now agree both as to the policy and practicability. The decided advantages to flow out of direct shipments to and from foreign ports, are so obvious, that it cannot be necessary to enlarge upon the subject. The introduction of a large capital within our borders for purchases—its diffused circulation—the additional facilities afforded, and the increased activity given to enterprise, are some of the benefits fairly to be anticipated.

The act of Congress passed the 1st of March, 1817, provides on the part of the General Government, that five per

cent of the nett proceeds arising from the sales of lands lying within the then Territory of Mississippi, after the 1st day of December, 1817, should be reserved for making public roads and canals; three fifths of which to be applied to those within the State, under the direction of the Legislature: and the remaining two fifths to the making of a road or roads leading to the State, under the direction of Congress.

The two fifths of this fund placed under the direction of Congress, was evidently intended, and had mainly for its object, the benefit of the State; but it has not been applied, and consequently lies inoperative and useless in the Treasury of the United States, as to the purposes contemplated.

From this fact I am induced to believe, that by a proper application on the part of the State, Congress will not hesitate to relinquish the disposition of the amount arising from this two per cent, so that the whole of the five per cent fund may be applied under the direction of the Legislature to such objects of internal improvement as may be deemed proper. Should the control of this sum be yielded to the State, of which I see no reason to doubt, it will in addition to the amount to accrue to the State, as an equivalent for the nett proceeds of the lands sold, and hereafter to be sold, ceded by the Chickasaws, to which the State was entitled: and our probable proportion of the surplus revenue, create a fund, which if properly applied, may render a timely and efficient aid in furthering such measures of internal improvement as you may select.

Such a request, independent of existing circumstances, would be thought altogether reasonable: but when we connect with it, and take into consideration the very inadequate indemnity tendered by the late act of Congress, for the right of the State to the sixteenth sections of land within the cession made by the Chickasaws, under the terms of the compact; it may be viewed as not only reasonable, but rather in the character of a claim, fairly to be urged as an additional compensation.

It will be recollected that the act alluded to and passed since your adjournment, directs that "there shall be reserved from sale, in the State of Mississippi, a quantity of land, equal to one thirty-sixth part of the lands ceded by said Chickasaws as aforesaid, within said State of Mississippi; which land shall be selected under the direction of the Secretary of the Treasury, in sections, or half sections, or quarter sections, out of any public lands remaining unsold,

that shall have been offered at public sale within either of the land districts in said State of Mississippi, contiguous to said lands within said State, so ceded by the Chickasaws as aforesaid." As the choice parcels of these Choctaw lands subject to entry, have been closely culled, the refuse I imagine must be of little value, falling very far below a full and fair equivalent due to the just claims of the State.

Encouraged by the liberal policy manifested by your acts previous to adjournment, chartering some fifteen millions of banking capital, our citizens fondly anticipated a large increase, instead of a curtailment in their discounts: and to this circumstance, in some degree, may be attributed their over trading and present embarrassment. It has been objected to the Banks that they have unnecessarily curtailed their discounts, but such an idea is strained and unnatural. The danger lies in the other extreme. As the profits are made upon the amount in circulation, it would be idle to ascribe its suppression to their voluntary action. It must therefore be sought for in something of a different character, and the financier will have little difficulty in tracing it to the compulsory process of the Treasury Circular.

The unexpected call for specie payments in the land offices, has produced a shock in the money market, very sensibly felt; and if the system is persisted in, must become excessively oppressive to our citizens.

That an accession to the metallic circulating currency, would give greater solidity to that of paper, may be admitted, but it is equally certain that such a measure should be very gradual in its operations, and taken with great precaution, in order to avoid the ill effects resulting from a general derangement.

No well founded reason it is believed existed, either of policy, of justice, or of equity, requiring this act of Executive interposition: nor could the time have been worse chosen for this community. The trade of the country for years has been adjusting itself, as well as the value of property, to the mixed currency in circulation, based perhaps upon an undue proportion of paper. But the effects of this addition to the currency by the issue of paper money, has been to lessen the value of the circulating medium, compared with that of property for which it is exchanged, and to widen the facilities of borrowing—tending directly to enlarge the general prosperity of the State by a rapid increase of population and wealth. The immediate advantage to the laborer is experienced in his increased wages—to the settler in the aid afforded him in the purchase

of a home for himself and family; and to the community generally, by the impulse given to business. The Banks were supposed to be perfectly solvent; no loss had been sustained or apprehended: and it was fairly to be inferred that they had in their coffers a value fully equivalent to the amount of their notes in circulation, either in specie or securities bearing interest; and this confidence in their ability will be sustained, and a large addition made to the circulating medium, so long as their issues possess the credit to circulate as specie; by reducing the amount of coin that must otherwise necessarily remain locked and inoperative in their vaults, yielding neither interest to the stockholders, nor benefit to the community. A season of prosperity begets mutual confidence—the Banks grant accommodations freely, and long loans are made, by which the planter is relieved and benefitted. But any measure suddenly interrupting such a state of things by checking the circulation of their issues, occasions an immediate reflux of their notes; and the Banks are constrained, in providing for their redemption, to curtail their discounts, by which a large amount is withdrawn from circulation, and to confine their operations to bills of exchange on New Orleans or elsewhere, at short notice, to be converted into specie. This produces a pressure that becomes onerous, and one that falls with peculiar force at this time on a large portion of this community—all those who have incurred debts, and have money to borrow or pay. The odious feature that discriminates between the actual settler and the non-resident, encroaches on the broad principle of equal rights and privileges, so clearly recognized and guaranteed—the poor emigrant in search of a home among us, should receive all the facilities extended to the citizen. Under the impression that the objects contemplated by the President are not likely to be attained by this Treasury Circular, I suggest the propriety of such an expression as you may think proper, with a view to its rescission.

Under the existing state of things, your attention will be called to some remedial measure. The establishment of a Union Bank to supply the actual or supposed deficit of banking capital, and for the relief of the general embarrassment under the pressure of the times, I am aware is greatly relied upon. But as it would be difficult to impose a restraint either upon the Banks or individuals, as to the application of the loans they may grant or receive, to the exclusion of further speculation; I am apprehensive that the general and extended relief expected by many will not

be realized. The prudent may avail themselves of the increased facilities in borrowing, to aid them in the discharge of their debts, while it may only invite others to enter into more extensive schemes of speculation. But the situation of a large portion of your constituents, seems to require some relief; and the resources of the State, so far as you may deem prudent and safe, should be put in requisition to sustain them.

In the organization of such an institution, involving so deeply the interest and credit of the State, your attention will very properly be directed to a close scrutiny of the provisions of its charter; and in throwing around it the most guarded restrictions for the greater safety of the State.

A mortgage on real estate for the payment of stock subscribed for by individuals, affords the best security: and for the payment and redemption of the interest and loan, nothing perhaps can be so safely relied upon as a well regulated sinking fund. I would therefore recommend that the bonds of the State to be sold, should bear an interest of at least six per cent.; and that the premium arising from the sales should be applied exclusively to that purpose, with such addition as may be deemed necessary. It is believed that bank stock will bear a tax as well, if not better, than most other property upon which it is levied: and I am at a loss to conceive of any good reason why it should be exempt as contemplated by the proposed charter. Grants of exclusive privileges to individuals or corporate companies, separate from the great community, infringe upon equal rights. The principle is foreign, and was one among the strong objections urged against the location of a Branch of the United States Bank within our limits: and it would be strangely inconsistent now, to incorporate into our State institutions this offensive provision. The State being bound for the whole amount, may well I think become a stockholder for a third, or at least a fourth of the capital, with a full share if not the preponderance in the Directory. The prospect of effecting a sale of the bonds to advantage in the Northern market is rather discouraging, and it may be well that an agent be appointed by your body, to negotiate a sale in Europe. The prohibitory clause in the constitution, will necessarily suspend your action for the approval of the Legislature in January next; but your agent in the mean time may open a correspondence, and arrange the preliminaries, so that a sale may be effected and the capital procured with but little delay, after the charter shall have been confirmed.

In fixing the amount of capital that may be necessary for the present, to supply the reasonable wants of the country, reference should be had to the amount yet to be realized and thrown into circulation under existing charters. But few, if any, of the institutions chartered previous to your adjournment, have gone into full operation, and some of them only to a very limited extent; and it may, therefore, be reasonably supposed, that they will be enabled to extend considerably their accommodations.

Late events have placed the necessity of a well organized and effective Militia, in a clear and strong point of view.

For the security it affords to the government in all emergencies that may arise, no substitute has been discovered that can safely be adopted; and I feel assured, that I need not insist upon the necessity of an efficient reform in the existing system—a reform that I trust will restore it to its wonted energies—to that favor, respect, and spirit of emulous chivalry which it seems to have lost in the public estimation.

The threatening aspect of affairs, since your adjournment, on our borders fronting the Mexican dominions, induced Major General Gaines to make two several calls upon this State for volunteers. On the receipt of the first, orders were immediately issued to the commandants of divisions, requiring them to use their best exertions to effect a speedy, and as far as it could be done, a complete organization of the militia within their respective commands. This order was given with ulterior views, resting upon and preparatory to a possible, if not probable state of things to ensue in the event of a protracted border warfare, that might subject the State to a further and additional demand for troops.

The undertaking was attended with great difficulty, and much is due to the spirited exertions of the few officers then in command.

In addition to this general order, I addressed and forwarded a letter by a special messenger, (whose services I procured for that purpose,) to the presidents of the boards of police of their respective counties, in which elections had not been held under the present Constitution; requesting them to order elections for colonels, lieutenant colonels and majors: and the returns from those counties, with a single exception, have been received and commissions issued some time since. The work is now in progress and may be completed with but little further trouble or delay.

I deem it essential to a proper organization and discipline

of the militia, that the undivided attention of the Adjutant General should be given to the service: and that a salary should be attached to the office sufficient to insure the able and faithful discharge of the necessary duties.

This officer, as well as the Quarter-Master General, should reside at the seat of Government, and take the rank of Brigadier General.

To remedy the great delay and inconvenience experienced, to the detriment of the public service, the sheriffs should be made returning officers for their respective counties, as well in the military as the civil department; and that it be made their duty to lodge in the office of the Secretary of State, returns of all elections ordered for district and State officers, and for members of Congress: together with all regimental, brigade, and division officers in the militia, within a reasonable and limited time, under a penalty to be prescribed, sufficiently large to ensure its performance: and that they be allowed a suitable compensation for the services thus required. The returns for officers elected in the militia, made to the office of Secretary of State, as required by the Constitution, should be open to the inspection of the Adjutant General, that he may be enabled to fill commissions and to keep a perfect register of their dates, and all resignations: or the sheriffs may be required to make their returns of elections for the officers in the militia, to the Adjutant General, to be lodged by *him*, in the office of the Secretary of State.

Circumstances connected with the late call for mounted gun-men, induce me to present the subject for your consideration; and such legislative interposition as you may deem proper.

The requisition was received at an unfavorable moment. The difficulties to be encountered from a limited and very partial organization of the militia, in addition to the inconvenience and sacrifices incident to the season, presented serious obstacles. But the standing and credit of the State, as I conceived, demanded at least an effort. An appeal was accordingly made to the pride and chivalry of Mississippians, and it affords me much gratification to add, that it was responded to in a manner that fully sustains the high estimate placed upon their determined spirit and patriotism, in defence of their country, when called upon, under any and all circumstances.

Lieutenant Cross, under instructions from the Secretary of War, called on me with a view of arranging the accounts for expenses incurred, in compliance with the requisition.

At that time the accounts of expenditures for the companies of Captains Grant and Gholson, and the vouchers sustaining them, had not been received by the Quarter-Master at this place; and, consequently, were not examined by Lieutenant Cross: but such as were in possession of the Quarter-Master were thought to be irregular, and such as he considered himself not justified in paying. On his return to Vicksburg, the accounts there presented were more satisfactory, and paid to the amount of about four thousand dollars. There is now a balance due for advances made out of funds raised by the Executive upon his individual responsibility, aided by a few friends, amounting to something over five thousand dollars. This sum as well as the further claims of the volunteers for expenses incurred in marching to and from the place of rendezvous, not exceeding, I presume three thousand dollars, and probably but little, if any, over two thousand (the accounts have not yet been handed in) is fairly chargeable, and no doubt will be paid by the General Government when presented, or as soon as an appropriation is made by Congress.

In consequence of the absence of Captain Grant from the State, I could not procure the accounts and vouchers in time to forward them, as agreed upon, to Lieutenant Cross, at New Orleans, to be by him submitted to the War Department; and, as the responsibilities incurred by individuals for advances made, may become rather oppressive before the money can be obtained from the General Government, I submit the propriety of an appropriation on the part of this State for their reimbursement: and that the claim upon the General Government, accompanied with the proper documents, be forwarded to our delegation in Congress to be presented for payment.

The accounts and vouchers will be handed to your committee when called for, with any other documents touching the subject, in my possession, that may be desired.

In compliance with the resolution authorizing the Executive to procure one thousand stand of arms, I addressed a letter to the Secretary of War, for the purpose of availing myself of the skill and experience of the officers of the Ordnance Department, in contracting for the fabrication and inspection of three hundred rifles and seven hundred muskets, and received in reply a letter from G. Bomford, colonel of ordnance, in which he states, that in conformity with the request contained in my letter, Major Henry K. Craig, the officer commanding the United States Arsenal at Watertown, Massachusetts, had been directed to contract in

the name, and for account of the State of Mississippi, for the arms and accoutrements alluded to, and to communicate with me further in relation to them.

I accordingly received a letter from Major Craig, informing me that he had been instructed to contract for the fabrication of the arms and accoutrements; but, as I had not given a description of the rifles, he had to request that I would inform him whether it was my wish, that the rifles known as "Hall's" should be furnished—remarking, that they were the only rifles at present fabricated for the use of the United States. Presuming that they were of the best quality, and of course corresponding with those in the service of the United States, I directed that the order be filled with three hundred of "Hall's" rifles, and seven hundred muskets; since which, I have received no further information, but suppose the fabrication is in progress.

As no appropriation was made before your adjournment, to meet the payment of the cost, and charges upon these arms, I must ask your attention to that subject.

I have also received a communication from Colonel Bomford, dated Ordnance Office, August 29th, 1836, in which he says, "with a view of enabling this department to anticipate the demands that may be made on it for arms and accoutrements due up to the 1st of December, 1836, under the law of Congress, approved April the 23d, 1808, you are requested to indicate to this office, with as little delay as practicable, what particular kind of small arms, accoutrements, or field artillery will probably be required, in order that proper measures may be taken for the procurement of the same."

In reply, I have required that the quota due the State, may be paid in muskets with their proper accoutrements.

The balance due the State up to the 31st of December, 1835, as per account, is one hundred and thirty-four muskets, and twelve-thirteenths. The probable receipt of the arms contracted for, together with the accession of those due and to fall due under the proper quota of the State, indicates the propriety of authorizing the Quarter-Master at this depot, to provide a suitable room for their security and preservation, until an arsenal shall be provided.

The difficulties already experienced growing out of the defects of the Constitution, seem to have satisfied, and prepared the public mind for certain amendments, and warrant the belief that propositions submitted for that purpose will be favorably received.

The clause prohibiting the introduction of slaves as merchandise, particularly claims your interposition. The action

of the Legislature have been withheld, the provision remained for a time wholly inoperative; but it has now become a mooted question, under this clause of the constitution, whether contracts for that description of property can be enforced, and the plea effects at least a delay of justice—opens a door to litigation—and is calculated to impair that confidence and security, that should exist in good faith under the protection of the laws. In earnestly pointing your attention to the propriety and necessity of acting upon this clause, I shall not stop to speak of other provisions that will, no doubt, present themselves to your notice.

The fact of a proposition to amend this clause, having been once submitted to a vote of the people, and not receiving the majority required, seems to have created a distrust, that has operated to discourage further attempts, and the circumstance has been urged as an argument to prove, that the mode of amendment prescribed is wholly inefficient; but, I trust, upon further trial, it may be found fully adequate to all the purposes intended.

The experiment, I am persuaded, has not been fully and fairly made. In consequence of the failure of the Legislature to act upon this provision, there exists no penalty to be enforced; and the restrictive and oppressive operations of such an act as was evidently contemplated by the framers of the constitution, have not been brought to bear directly upon our citizens. But the ill consequences now experienced, and here alluded to, I have little doubt will induce a decided vote for its amendment. If, however, such a vote should not be given, on this or any other proposition submitted for amendment, it must be taken as satisfactory evidence that the people are satisfied, and do not desire the change.

The provision prescribing the mode of amending the constitution, was considered as a redeeming qualification for many of its defects; and possesses this decided advantage over the old constitution; that attempts to modify may be freely indulged in, and if they fail, no injury results. It will scarcely be doubted, I think, that we should have been spared at least some of the evils of which we now complain, if a similar provision had existed in the old constitution.

I cannot too strongly recommend to your favorable consideration, the *subject of education*; nor can it receive from your action a support too strenuous. The means and resources of this State placed within your reach, and set apart for the promotion of this important object, are abundant and ample; and requires only a judicious application, to effect the purposes contemplated.

Primary schools are ~~in~~ as demanding, in an especial manner, from legislative action, that fostering care necessary to impart to them life and vigor, for the general diffusion of knowledge.

Experience derived from the history of republics, so far as the analogy holds, as well as numerous examples afforded by the archives of the different States, go to establish the fact, that however clear and distinct the lines of organic law may be drawn, they are of themselves insufficient. It is the moral intelligence of the great body of the people which constitutes our strength, and upon which we are to rely as the only efficient security for the support and preservation of our happy institutions.

With this admission, and the strong incentives to action, I am satisfied the subject will receive from you the attention and care it merits.

The bonds or notes given for the seminary lands, and which amount to \$277,000 are now all due; and the original sales, together with the interest that has accrued, now exceeds \$310,000, which, at ten per cent, the rate of interest they bear, will create an annual revenue of more than \$30,000.

With such an ample endowment, your immediate attention should be directed to the establishment of a seminary of learning upon a large and liberal scale, in which both sexes may receive a finished education. The annual receipts of the interest on this fund, with perhaps some little aid drawn either from the principal or some other source, would probably be sufficient to construct the buildings, and after their completion, the interest may enable the State to defray all the expenses of such an institution.

The time seems to have arrived when you may properly act upon this subject; and I would suggest that five or more commissioners be appointed by your body, whose duty it shall be to select a proper site: or the location may be made by the Legislature at the present session, leaving the commissioners to act and exercise a general supervisory control over the whole subject, under such directions as you may give.

I have received a communication from His Excellency, the Governor of Tennessee, relative to the boundary line between our respective States, which is herewith respectfully submitted, with a view of eliciting your action for the amicable and satisfactory adjustment of that question.

Doubts having arisen as to the proper boundary, a correspondence was opened some four or five years since between the Executives of the two States, which will be found in the office of the Secretary of State, and terminated in the

appointment of commissioners to ascertain the true line—a reference to which will explain more fully the situation in which the matter now stands.

The attendance of delegates from the counties created by the Legislature at its present session, elected by virtue of writs of election issued by the Boards of Police, as members to the House of Representatives, presented the delicate and important question, whether, if their right of admission as members was acquiesced in by both branches, it would not destroy the constitutional organization of your body, and as a consequence render the whole of your action null and void.

The diversity of opinion that prevails as to the true construction of those clauses in the constitution, directing the Legislature to fix the number of members constituting the two Houses, and to apportion the whole number among the several counties, cities, towns, and senatorial districts entitled to representation, gave rise to the apprehension, that your action so desirable on many measures presented for your deliberation, might unfortunately be postponed.

The difficulties (at least so far as your body is concerned) seem now to be adjusted, by their admission; and however unpleasant may have been the task, your attention was challenged to considerations of far greater moment, than such as regards merely personal and local feelings and interest—the support of the law and the constitution,—considerations that merged the immediate perplexing circumstances, in the confusion and disastrous consequences that might possibly result from your legislation, should it be subsequently questioned before a co-ordinate department of the government.

That the difference of opinion you may have entertained was founded in honest convictions, will not be questioned; and this fact, of itself, should soften and prevent any asperity of feeling, to which the discussion and decision may have given rise, from interrupting that harmony and free interchange of sentiment, so essential to the proper discharge of your duties.

Our popular institutions and municipal regulations, look to the constituent body for their support; and hence the propriety of full and equal representation in the Legislature, with a view to a fair discussion and decision of all measures in which they are immediately interested. But inequalities in representation, to a greater or less extent, must unavoidably exist, from the rapid increase of population in some counties, between the periods fixing the apportionment, and the decrease in others. The genius of

the government under which we live, instead of seeking to impose habits of rigid discipline and subordination, breathes a spirit of relaxation. Imbued with feelings of the most perfect contempt, for the arbitrary inequalities that prevail in monarchical governments, and elated with the flattering eulogies constantly bestowed upon liberty and independence, it is not surprising, that our citizens should be jealous of their privileges of representation, and that the slightest appearance of withholding from any portion of the community, even for a brief period, the enjoyment of that privilege, should be impatiently endured. I am far from opposing the right of representation wherever it exists; and I am persuaded every member of your body, will advocate and cheerfully accord this right at all times, and to the utmost limit, unless restrained by their paramount obligations to support the restrictions imposed by the constitution.

It was in view of all these difficulties, as well as from the still higher obligations of a conviction that no vacancy had happened which authorized me to issue writs of election, for Representatives from the counties formed at your present session, that I was alone induced to withhold the exercise of that power. I can have no possible inducement to array myself against the rights or interests of that particular section of country: on the contrary, every thing that may be supposed to influence me, is of a different tendency.

As the shortest practicable mode of bringing in a full representation in both branches of the Legislature at the regular session in January next, I recommend the passage of a bill directing an enumeration to be made without delay: and that after disposing of the business that will claim your immediate attention, you adjourn to meet again at some suitable time, to receive the returns and pass an Apportionment Bill regulating the representation of all the counties in the State, in time for the elections to take place in November next. The adjournment is recommended with a view of giving time to take the census, under the impression that it could not probably be effected early enough for your action without producing a very protracted sitting.

With an anxious solicitude for the welfare and happiness of our constituents, and the advancement and prosperity of the State, I tender you my hearty co-operation in all measures calculated to produce those desirable objects.

CHARLES LYNCH.

DOCUMENTS

*Accompanying the Governor's Message.*TREASURY DEPARTMENT,
June 27, 1836.

SIR: The Congress of the United States recently passed an act in relation to the public money, a copy of which is enclosed.

You will perceive what is provided by the 13th section of it, in respect to the course of this Department and the several States in the Union, concerning all the money in the Treasury over five millions of dollars.

The object of this communication is, to invite your official attention to the subject of that section, so far as it is connected with the power and interests of the State over which you preside. The time and manner of acting in the matter, belong of course to the consideration of yourself and the other proper State authorities; and this Department would entirely forbear from any suggestions in relation to them, except the expression of an earnest desire, arising from public considerations of convenience to the fiscal operation of the Treasury, that whenever the final action of your State shall be had on the subject, the result may be communicated to this Department at as early a day as may be found practicable.

With high respect,

Your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

His Excellency CHARLES LYNCH,

Governor of the State of Mississippi, Jackson.

A N A C T

TO REGULATE THE DEPOSITES OF THE PUBLIC MONEY.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury to select as soon as may be practicable, and employ as the depositories of the money of the United States, such of the banks incorporated by the several States, by Congress for the District of Columbia, or by the Legislative Councils of the respective Territories for those Territories, as may be located at, adjacent or convenient to the points or places at which the revenues may be collected or disbursed, and in those States, Territories or Districts in which there are no banks,

or in which no bank can be employed as a deposite bank, and within which the public collections or disbursements require a depository, the said Secretary may make arrangements with a bank or banks, in some other State, Territory or Districts, to establish an agency or agencies, in the States, Territories or Districts so destitute of banks, as banks of deposite: and to receive through such agencies such deposits of the public money as may be directed to be made at the points designated, and to make such disbursements as the public service may require at those points; the duties and liabilities of every bank thus establishing any such agency, to be the same in respect to its agency as are the duties and liabilities of deposite banks generally, under the provisions of this act: *Provided*, That at least one such bank shall be selected in each State and Territory, if any can be found in each State and Territory willing to be employed as depositories of the public money, upon the terms and conditions hereinafter prescribed, and continue to conform thereto; and that the Secretary of the Treasury shall not suffer to remain in any deposite bank an amount of the public moneys more than equal to three-fourths of the amount of its capital stock actually paid in, for a longer time than may be necessary to enable him to make the transfers required by the twelfth section of this act; and that the banks so selected, shall be, in his opinion, safe depositories of the public money, and shall be willing to undertake to do and perform the several duties and services, and to conform to the several conditions prescribed by this act.

SEC. 2. *And be it further enacted*, That if, at any point or place at which the public revenue may be collected, there shall be no bank located, which, in the opinion of the Secretary of the Treasury is in a safe condition, or where all the banks at such point or place shall fail or refuse to be employed as depositories of the public money of the United States, or to comply with the conditions prescribed by this act, or where such banks shall not have sufficient capital to become depositories of the whole amount of moneys collected at such point or place, he shall and may order and direct the public money collected at such point or place to be deposited in a bank or banks in the same State, or in some one or more of the adjacent States, upon the terms and conditions hereinafter prescribed: *Provided*, That nothing in this act contained shall be so construed as to prevent Congress at any time from passing any law for the removal of the public money from any of the

said banks, or from changing the terms of deposits, or to prevent the said banks at any time from declining any longer to be the depositories of the public money upon paying over, or tendering to pay, the whole amount of public moneys on hand, according to the terms of its agreement with the said Secretary.

SEC. 3. *And be it further enacted,* That no bank shall hereafter be selected and employed by the Secretary of the Treasury as a depository of the public money, until such bank shall have first furnished to the said Secretary a statement of its condition and business, a list of its directors, the current price of its stock; and also a copy of its charter; and likewise, such other information as may be necessary to enable him to judge of the safety of its condition.

SEC. 4. *And be it further enacted,* That the said banks, before they shall be employed as the depositories of the public money, shall agree to receive the same upon the following terms and conditions, v

First. Each bank shall furnish to the Secretary of the Treasury, from time to time, as often as he may require, not exceeding once a week, statements setting forth its condition and business, as prescribed in the foregoing section of this act, except that such statements need not, unless requested by said Secretary, contain a list of the directors, or a copy of the charter. And the said banks shall furnish to the Secretary of the Treasury, and to the Treasurer of the United States, a weekly statement of the condition of his account upon their books. And the Secretary of the Treasury shall have the right, by himself, or an agent appointed for that purpose, to inspect such general accounts in the books of the bank as shall relate to the said statements: *Provided,* That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Secondly. To credit as specie all sums deposited therein to the credit of the Treasurer of the United States, and to pay all checks, warrants, or drafts, drawn on such deposits, in specie if required by the holder thereof.

Thirdly. To give, whenever required by the Secretary of the Treasury, the necessary facilities for transferring the public funds from place to place, within the United States, and the Territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange.

Fourthly. To render to the Government of the United

States all the duties and services heretofore required by law to be performed by the late Bank of the United States and its several branches or offices.

SEC. 5. *And be it further enacted,* That no bank shall be selected or continued as a place of deposit of the public money which shall not redeem its notes and bills on demand in specie; nor shall any bank be selected or continued as aforesaid, which shall after the fourth of July, in the year one thousand eight hundred and thirty-six, issue or pay out any note or bill of a less denomination than five dollars; nor shall the notes or bills of any bank be received in payment of any debt due to the United States which shall, after the said fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars.

SEC. 6. *And be it further enacted,* That the Secretary of the Treasury shall be, and he is hereby authorized, and it shall be his duty whenever in his judgment the same shall be necessary or proper, to require of any bank so selected and employed as aforesaid, collateral or additional securities for the safe-keeping of public moneys deposited therein, and the faithful performance of the duties required by this act.

SEC. 7. *And be it further enacted,* That it shall be lawful for the Secretary of the Treasury, to enter into contracts in the name and for and on behalf of the United States, with the said banks so selected or employed, whereby the said banks shall stipulate to do and perform the several duties and services prescribed by this act.

SEC. 8. *And be it further enacted,* That no bank which shall be selected or employed as the place of deposit of the public money, shall be discontinued as such depository, or the public money withdrawn therefrom, except for the causes hereinafter mentioned; that is to say, if, at any time, any one of said banks shall fail or refuse to perform any of said duties as prescribed by this act, and stipulated to be performed by its contract; or if any of said banks shall at any time refuse to pay its own notes in specie if demanded; or shall fail to keep in its vaults such an amount of specie as shall be required by the Secretary of the Treasury, and shall be, in his opinion, necessary to render the said bank a safe depository of the public moneys, having due regard to the nature of the business transacted by the bank; in any and every such case it shall be the duty of the Secretary of the Treasury to discontinue any such bank as a depository, and withdraw from it the public moneys which it may hold on deposit at the time of such discontinuance. And in

case of the discontinuance of any of said banks, it shall be the duty of the Secretary of the Treasury to report to Congress immediately, if in session, and if not in session, then at the commencement of its next session, the facts and reasons which have induced such discontinuance. And in case of the discontinuance of any of said banks as a place of deposit of the public money for any of the causes herein before provided, it shall be lawful for the Secretary of the Treasury to deposit the money thus withdrawn in some other banks of deposit already selected, or to select some other bank as a place of deposit, upon the terms and conditions prescribed by this act. And in default of any bank to receive such deposit, the money thus withdrawn shall be kept by the Treasurer of the United States, according to the laws now in force, and shall be subject to be disbursed according to law.

SEC. 9. *And be it further enacted,* That until the Secretary of the Treasury shall have selected and employed the said banks as places of deposit of the public money, in conformity to the provisions of this act, the several State and District banks at present employed as depositories of the money of the United States, shall continue to be the depositories aforesaid upon the terms and conditions upon which they have been so employed.

SEC. 10. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to lay before Congress, at the commencement of each annual session, a statement of the number and names of the banks employed as depositories of the public money, and of their condition, and the amount of public money deposited in each, as shown by their returns at the Treasury, and if the selection of any bank as a depository of the public money be made by the Secretary of the Treasury while Congress is in session, he shall immediately report the name and condition of such bank to Congress; and if any such selection shall be made during the recess of Congress, he shall report the same to Congress during the first week of its next session.

SEC. 11. *And be it further enacted,* That whenever the amount of public deposits to the credit of the Treasurer of the United States in any bank shall, for a whole quarter of a year, exceed the one-fourth part of the amount of the capital stock of such bank actually paid in, the banks shall allow and pay to the United States, for the use of the excess of the deposits over the one-fourth part of its capital, an interest at the rate of two per centum per annum, to be calculated, for each quarter, upon the average excesses of

the quarter: and it shall be the duty of the Secretary of the Treasury, at the close of each quarter, to cause the amounts on deposit in each deposit bank for the quarter, to be examined and ascertained, and to see that all sums of interest accruing under the provisions of this section, are, by the banks respectively, passed to the credit of the Treasurer of the United States in his accounts with the respective Banks.

SEC. 12. *And be it further enacted*, That all warrants or orders for the purpose of transferring the public funds from the banks in which they now are, or may hereafter be deposited, to other banks, whether of deposit or not, for the purpose of accommodating the banks to which the transfer may be made, or to sustain their credit, or for any other purpose whatever, except it be to facilitate the public disbursements, and to comply with the provisions of this act, be, and the same are hereby, prohibited and declared to be illegal; and in cases where transfers shall be required for purposes of equalization under the provisions of this act, in consequence of too great an accumulation of deposits in any bank, such transfers shall be made to the nearest deposit banks which are considered safe and secure; and which can receive the moneys to be transferred under the limitations in this act imposed: *Provided*, That it may be lawful for the President of the United States to direct transfers of public money to be made from time to time to the mint and branch mints of the United States, for supplying metal for coining.

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States, on the first day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their Treasurers, or the competent authorities, to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such Treasurer, or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations, and pledge the faith of the State, for the safe keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys and every part thereof, from time to time, whenever the same shall be required, by the Secretary of

the Treasury, for the purpose of defraying any wants of the public Treasury, beyond the amount of the five millions aforesaid : *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States, agreeing to accept the same on deposit, in the proportion aforesaid : *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet the appropriations made by law, the same shall be called for, in rateable proportions within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding ten thousand dollars, from any one State, in any one month, without previous notice of thirty days, for every additional sum of twenty thousand dollars, which may at any time be required.

SEC. 14. *And be it further enacted*, That the said deposits shall be made with the said States, in the following proportions, and at the following times, viz : one quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be ; one quarter part on the first day of April, one quarter part on the first day of July, and one quarter part on the first day of October, all in the same year.

SEC. 15. *And be it further enacted*, That to enable the Secretary of the Treasury to carry into effect the provisions of this act, he be authorized to appoint three additional clerks for his Department, the one at a salary of one thousand six hundred dollars per annum, and the remaining two at a salary of one thousand dollars each per annum, and to pay the said clerks quarter yearly, out of any money in the Treasury not otherwise appropriated.

EXECUTIVE DEPARTMENT,

NASHVILLE, Nov. 10, 1836.

SIR: You are no doubt acquainted with the proceedings that have taken place between our respective States, Tennessee and Mississippi, heretofore, in relation to the establishment of the boundary, which divides us. The correspondence between our predecessors on this subject, resulted, as I learn, in the appointment of mathematicians, on the part of each State, to ascertain the true latitude, which was done, previous to the year 1833; and a line was run and

marked accordingly by Mr. Thompson, who was appointed for that purpose, on the part of Tennessee, without the aid, or being accompanied by the mathematician on the part of Mississippi; and on his report, the State of Tennessee proceeded to establish said line, as will be seen by reference to her acts of the legislature of 1833—since which time it has been recognized as the boundary, as I am informed, without having been acted on, or established as such, by the Legislature of Mississippi; in consequence of which, doubts have arisen with some, as to the legality of said boundary, which has recently produced some difficulties between our citizens, living between it and the old line, whose peace and harmony it is important to preserve; and, as the country is now rapidly settling on both sides of said boundary, I hope you will concur with me in the opinion, that this question should be put to rest by the reciprocal action of the States. Tennessee having acted on her part, is desirous for similar action on the part of her neighbor, Mississippi, at as early a time as may be convenient to her. I do not know that any objection exists on the part of Mississippi, to the final establishment of the line run by Mr. Thompson—I learn that it was run with great care by him—and as yet, I have heard no objection whatever to its establishment on the part of either State; and should none exist on your part, I would most respectfully solicit you to call the attention of your legislature to the subject, in such way as may be deemed most conducive to the end in view, and to the good feelings which, I trust, will continue to be cherished between our States.

Should, however, objections exist on the part of your State, to the confirmation of Thompson's line, (as it is commonly called,) I would be glad to be informed in relation to their grounds, otherwise I presume that the ratification or recognition on the part of Mississippi, is all that is necessary for the full and complete confirmation on the part of both States. Tennessee having already given her entire sanction to it in 1833. But whatever views may be entertained in relation to this matter, on your part, I will be happy to receive them, in order to the adjustment of this matter, in the most satisfactory and amicable manner.

With the highest respect,

I have the honor to be,

Your obedient servant,

N. CANNON.

To His Excellency, CHARLES LYNCH,

Governor of the State of Mississippi.

Mr. Hargis moved that two thousand copies be printed for the use of the Senate,

Mr. Moore moved that five thousand be printed.

And the question being taken thereon,

It was decided in the affirmative.

Mr. Haley moved that three thousand copies be printed;

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Moore,

Ordered, That two thousand five hundred copies be printed.

Mr. Hargis offered the following resolution :

Resolved, That with the concurrence of the House of Representatives, the Senate will meet the House of Representatives in their Hall on Saturday next, at 11 o'clock, in the forenoon for the purpose of electing a Sergeant-at-Arms.

Mr. Hargis moved to dispense with the rule requiring joint resolutions to lay one day on the table;

And the question being taken thereon,

It was decided in the negative.

Mr. Alsbury offered the following resolution:

Resolved, With the concurrence of the House of Representatives, that the printed copy of the Revised Statutes of this State reported by P. Rutilius R. Pray, Esq., be referred to a committee of _____ members of the Senate and _____ members of the House of Representatives, with leave to report amendments or otherwise.

On motion of Mr. Alsbury,

The rule requiring joint resolutions to lie one day on the table was dispensed with, and the Senate proceeded to consider the same.

On motion of Mr. Moore,

The first blank was filled with "five."

The question being then on the adoption of said resolution,

It was decided in the affirmative.

The President appointed Messrs. Alsbury, Moore, Cocke, Haley and Bole, on the part of the Senate.

On motion of Mr. Moore,

The Senate adjourned.

SATURDAY, JANUARY 7, 1837.

Mr. Cocke presented the petition of David Hall, and others, citizens of Aberdeen, praying that an act incorpo-

rating the town of Aberdeen, and a Male and Female Academy, at that place, might pass; which,

On motion of Mr. Cocke,

Was referred to a select committee of three, with leave to report by bill or otherwise.

The President appointed Messrs. Cocke, Winchester, and McRaven, said committee.

The President gave notice that he would, on Monday next, ask leave to introduce a bill to be entitled "An act to incorporate the Bank of Vicksburg."

Mr. Cameron gave notice that he will, on Monday next, ask leave to introduce a bill to be entitled "An act to incorporate the Trustees of the Presbyterian Church Ebenezer, in the county of Jefferson."

On motion of Mr. Alsbury,

The orders of the day were dispensed with, and the resolution offered by Mr. Hargis, on yesterday, in relation to the election of a Sergeant-at-Arms, was taken up and considered.

On motion of Mr. Alsbury,

The resolution was amended by striking out the word "next," and inserting the words "the 7th instant."

And the question then recurring on the adoption of said resolution, as amended,

It was decided in the affirmative.

Mr. Moore gave notice that he will, on Wednesday next, ask leave to introduce a bill to be entitled "An act to tax the capital of the United States Bank, employed in its agency in this State."

The Senate proceeded to the order of the day.

The bill from the House of Representatives, to be entitled "An act to incorporate the Mississippi Union Bank," being in order for committee of the whole;

On motion of Mr. Van Norman,

The orders of the day on said bill were dispensed with, and said bill referred to a select committee of five members.

Whereupon the President appointed Messrs. Van Norman, Haley, Buckner, Toomer, Bole.

A message from the House of Representatives, by Mr. Tatison, their engrossing clerk:

MR. PRESIDENT: I am instructed to inform the Senate that the House has concurred in the joint resolution to meet the House in the Hall of Representatives, on this day, at 11 o'clock, to elect a Sergeant-at-Arms.

The bill from the House of Representatives, to be entitled "An act to take the census of the State of Mississippi, for the year 1837," being in order for third reading;

On motion of Mr. Alsbury,

The orders of the day on said bill were dispensed with, and the same was recommitted to a committee of the whole House, and made the order of the day for Monday next.

The bill from the House of Representatives, to be entitled "An act to incorporate a Bridge across the Big Black river, and a Turnpike across the swamp thereof,"

Was read the third time;

On motion of Mr. Bole,

Said bill was recommitted to a select committee of three.

Whereupon the President appointed Messrs. Bole, Haley, and Winchester, said committee.

The bill from the House of Representatives, to be entitled "An act regulating the Militia of this State," being under consideration;

On motion of Mr. Van Norman,

Said bill was laid on the table.

A message from the House of Representatives, by Mr. Patterson, their engrossing clerk.

MR. PRESIDENT: I am instructed by the House of Representatives, to inform the Senate that the House is ready to receive them in their Hall, for the election of a Sergeant-at-Arms.

The Senate accordingly proceeded to the Representative Hall, and took the seats assigned them; and the two houses proceeded to vote for a Seageant-at-Arms.

The names of Spencer R. Bankston, ——— Felts, ——— Cawley, and George W. Hively, being in nomination, the vote resulted as follows:

FOR SPENCER R. BANKSTON.

Mr. President, Messrs. Alsbury, Maury, Moore, Runnels, Sharpe, Van Norman—*Senators.* 7

Mr. Speaker, Messrs. Augustus Bayley, Bell, Bingham, Brown, Buckner, Burnley, Campbell, Cherry, Coleman, Cunningham, Denham, Dodd, Durr, James Ellis, Samuel Ellis, Fox, Fulton, Green, Havis, Henderson, Hoopes, Horne, Jones, Kyle, David McKinney, James McKinney, Middleton, Monet, Murray, Nelson, Nicholson, Norman, Paxton, Henry Philips, Ragan, Ramsay, Talbert, Thomas, Vannerson, Allen Walker, Wall, Watts, Wright—*Representatives.* 45—

Total, for Spencer R. Bankston,

For ——— FELTS.

Mr. Hargis—*Senator.* 1

Messrs. Adams, Coffee, Dunn, Farrar, Jayne, King,
Leighton, Montgomery—*Representatives.* 8—

Total for ——— Felts, 9

For ——— CAWLEY.

Messrs. Bole, Cocke, Granberry, Love, Toomer.
Senators. 5

Messrs. Carter, Johnston, James Phillips—*Representatives.* 3—

Total for ——— Cawley, 8

For GEORGE W. HIVELEY.

Messrs. Haley and McRaven—*Senators.* 2

Messrs. Ball, Bugg, Dunlap, Fitler, Moore, Felix H.
Walker, Warren, Wilson—*Representatives.* 8—

Total for George W. Hiveley, 10

Whereupon the President announced to the joint meeting, that Spencer R. Bankston, having received a majority of the whole number of votes given, was duly and constitutionally elected Sergeant-at-Arms, for the Legislature of Mississippi.

The Senate then retired to their Chamber.

On motion of Mr. Bole,

Leave of absence until Tuesday next, was granted to Mr. McRaven.

On motion of Mr. Van Norman,
The Senate adjourned.

MONDAY, JANUARY 9, 1837.

Mr. Bole, from the select committee to whom was referred the bill to be entitled "An act to incorporate a bridge across the Big Black river and a Turnpike Road across the swamp thereof," reported that they had had the same under consideration, and had instructed him to report the same with sundry amendments.

On motion of Mr. Bole,

Said report was received and agreed to.

On motion of Mr. Bole,

Ordered, That the amendments be engrossed, and that the bill with its amendments, be made the order of the day for its third reading on to-morrow.

Mr. McNutt, according to previous notice, asked and obtained leave of the Senate to introduce a bill to be entitled "An act to incorporate the Bank of Vicksburg;"

Which was read the first time.

Ordered, That fifty copies thereof be printed for the use of the Senate.

Mr. Winchester offered the following resolution:

Whereas, it is officially communicated to the Senate, in the message of the Governor, that delegates from the new counties created at the present session of the Legislature, have been admitted to take their seats as members of the House of Representatives since its meeting at the present adjourned session,—

1. *Resolved* That such admission of said delegates as members, has destroyed the constitutional organization of the House of Representatives, in respect to the number of its members.

2. *Resolved*, That no person can be admitted as a member of either House, who is not entitled to a seat under some existing apportionment law, fixing the whole number of Representatives and Senators, upon the basis of the whole free white population of the State, as ascertained by law.

3. *Resolved*, That the act of the House of Representatives, in enlarging the number of its members by its own act, and without the concurrence of the other branches of the Legislature, is a direct and dangerous attempt on the part of the House, to exclude the Senate from its share in the exercise of the powers of legislation, and tends to destroy the equal constitutional rights and independence of the Senate; and renders the Legislature as at present organized incompetent to exercise any acts of legislation.

On motion of Mr. Van Norman,

Ordered, That said resolutions lie on the table.

Mr. Falconer called for the consideration of said resolutions;

And the call being sustained,

On motion of Mr. Falconer,

Ordered, That one hundred copies thereof be printed for the use of the Senate.

Mr. Falconer moved that said resolutions be committed to a committee of the whole, and made the order of the day for Wednesday next;

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Sharpe,

The resolutions were again laid on the table.

The Senate proceeded to the orders of the day.

The bill from the House of Representatives to be entitled

"An act to take the census of the State of Mississippi for the year 1837," being in order for committee of the whole;

On motion of Mr. Sharpe,

The order of the day on said bill were dispensed with, and said bill was referred to a select committee of five.

Whereupon, the President appointed Messrs. Sharpe, Moore, Cocke, Haley and Van Norman, said committee.

The message from the House of Representatives in relation to the New Orleans and Nashville Rail Road, being under consideration.

On motion of Mr. Van Norman,

The consideration thereof was postponed until to-morrow.

The bill to be entitled "An act relative to the county of Perry." was read the second time.

On motion of Mr. Alsbury,

The Senate resolved itself into a committee of the whole on said bill, Mr. Love in the chair; and after some time spent therein, the committee rose, and Mr. Love reported, that they had had said bill under consideration, and had instructed him to report the same without amendment;

On motion of Mr. Love,

Said report was received and agreed to.

On motion of Mr. Maury,

Said bill was indefinitely postponed.

Mr. President called for the consideration of a bill to be entitled "An act, to amend an act entitled an act to incorporate the Commercial and Rail Road Bank of Vicksburg;"

And the call being sustained,

On motion of Mr. President,

Said bill was recommitted to a committee of the whole, and made the order of the day for to-morrow.

Mr. Cameron, according to previous notice, asked and obtained leave to introduce a bill to be entitled "An act to incorporate the Trustees of the Presbyterian Church Ebenezer," in the county of Jefferson;

Which was read the first time.

Mr. Alsbury moved that said bill lie on the table;

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Bole,

The Senate adjourned until 3 o'clock.

THREE O'CLOCK, P. M.

Mr. Moore called for the consideration of the Governor's message;

And the call being sustained,

On motion of Mr. Moore,

Resolved, That so much of the Governor's message as relates to the distribution of the Surplus Revenue, be referred to a select committee of three members, with leave to report by bill or otherwise.

The President appointed Messrs. Moore, Buckner and Toomer, said committee.

On motion of Mr. Moore,

Resolved, That so much of the Governor's message as relates to the amendment of the Constitution, be referred to a select committee of three members, with leave to report by bill or otherwise.

The President appointed Messrs. Moore, Winchester and Cocke, said committee.

On motion of Mr. Alsbury,

Resolved, That so much of the Governor's message as relates to the Seminary Fund and establishment of a Seminary of Learning, be referred to the joint committee raised upon that subject, with instructions to report a bill establishing a seminary of learning, based upon the fund created by the act of Congress upon that subject.

On motion of Mr. Alsbury,

Resolved, That so much of the Governor's message as relates to the Treasury Order, requiring the receivers of public moneys to receive only gold and silver in payment for public lands, be referred to a select committee of five members, with leave to report by resolution or otherwise.

The President appointed Messrs. Alsbury, McRaven, Love, Bole and Maury, said committee.

On motion of Mr. Toomer,

Resolved, That so much of the Governor's message as refers to the two per cent fund arising from the public lands in this State, be referred to a select committee of three, with leave to report by resolution or otherwise.

The President appointed Messrs. Toomer, Van Norman and Falconer, said committee.

On motion of Mr. Alsbury,

The message was laid on the table.

Mr. Moore called for the consideration of the memorial from the House of Representatives, requesting Congress to donate the refuse lands in certain counties for the purpose of establishing female schools;

Which was read the second time.

Mr. Runnels moved that said memorial lie on the table;

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Moore,

Said memorial was committed to the committee of the whole House, and made the order of the day for Wednesday next.

A message from the House of Representatives, by Mr. Patison their engrossing clerk :

MR. PRESIDENT—The House of Representatives have instructed me to inform the Senate, that they have concurred in the joint resolution of the Senate respecting the printed copy of the Revised Statutes of this State, reported by P. Rutilius R. Pray, Esq., and that they have appointed on their part Messrs. Fulton, Vannerson, Farrar, Green, Dunlap, Wall, Monet, Brown, F. H. Walker, Bayley, Coleman, Augustus, Jones, Nelson and Paxton.

Mr. Van Norman moved, that the vote given this day on the motion to postpone indefinitely the bill to be entitled "An act relative to the county of Perry," be reconsidered.

The ayes and noes on said motion being called for by three members, are as follows :

Ayes.—Messrs. Alsbury, Bole, Buckner, Cameron, Haley, Moore, Runnels, Sharpe and Van Norman.—9.

Noes.—Mr. President, Messrs. Cocke, Granberry, Hargis, Love, Maury and Toomer.—7.

So the vote was reconsidered.

On motion of Mr. Alsbury,

Said bill was committed to a select committee of three members.

The President appointed Messrs. Alsbury, Van Norman and Bole, said committee.

On motion of Mr. Runnels,

The Senate adjourned.

TUESDAY, JANUARY 10, 1837.

Mr. Toomer, from the standing committee on elections, reported that they had examined the credentials of the members of the Senate elected at special elections, held in pursuance of writs of election issued by the Executive of the State, to fill certain vacancies, and beg leave to report the following gentlemen duly elected, to wit :

From the Senatorial district, composed of the county of Adams, George Winchester, Esq. to fill the vacancy occasioned by the resignation of the Hon. John A. Quitman.

From the Senatorial district, composed of the county of

Wilkinson, Alfred T. Moore, Esq. to fill the vacancy occasioned by the resignation of John Henderson, Esq.

From the Senatorial district, composed of the county of Pike, Franklin Love, to fill the vacancy occasioned by the resignation of James Y. McNabb, Esq.

All which is respectfully submitted.

On motion of Mr. Toomer,

Said report was received and agreed to.

The Senate proceeded to the orders of the day.

The bill from the House of Representatives to be entitled "An act to incorporate a Bridge across the Big Black river, and a Turnpike Road through the swamp thereof,"

Was read the third time, with the amendments thereto;

And the question being put, "Shall this bill as amended pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

The message from the House of Representatives in relation to the bill to be entitled "An act to allow the New Orleans and Nashville Rail Road Company to extend their contemplated Rail Road through this State," being under consideration;

On motion of Mr. Van Norman,

Ordered, That there be a call of the Senate.

The call being made, and the absent members sent for,

On motion of Mr. Love,

The further call was dispensed with.

On motion of Mr. Van Norman,

The orders of the day on said message were postponed until to-morrow.

Mr. Alsbury, by leave of the Senate, reported that the select committee to whom was referred the bill to be entitled "An act relative to the county of Perry," had had the same under consideration, and had instructed him to report the same with sundry amendments thereto;

On motion of Mr. Alsbury,

Said report was received and agreed to.

On motion of Mr. Alsbury,

Ordered, That said bill, with the amendments, be engrossed, and made the order of the day for its third reading on to-morrow.

The bill to be entitled "An act to incorporate the Bank of Vicksburg," being in order for its second reading;

On motion of Mr. Love,

The rule was dispensed with, and said bill was read a second time by its title.

Mr. Bole moved that said bill be committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Sharpe moved that said bill lie on the table;

And the question being taken thereon,

It was decided in the affirmative.

The bill to be entitled "An act to incorporate the Trustees of the Presbyterian Church Ebenezer, in the county of Jefferson,"

Was read the second time,

On motion of Mr. Cameron,

Ordered, That said bill be engrossed, and made the order of the day for its third reading on to-morrow.

On motion of Mr. Falconer,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Bole,

Leave of absence until to-morrow morning was granted to Mr. Alsbury.

On motion of Mr. Sharpe,

Leave of absence until to-morrow morning was granted to Mr. Falconer.

Mr. Sharpe, by leave of the Senate, reported that the select committee to whom was referred the bill from the House of Representatives to be entitled "An act to take the census of the State of Mississippi for the year 1837," had had the same under consideration, and had instructed him to report the same with amendments thereto;

On motion of Mr. Sharpe,

Said report was received and agreed to.

On motion of Mr. Moore,

The Senate forthwith resolved itself into committee of the whole on said bill, Mr. Hargis in the Chair; and after some time spent therein, a message from the House of Representatives was announced at the bar of the Senate, when the President resumed the Chair and the message was delivered by Mr. Patison, their engrossing clerk, as follows:

MR. PRESIDENT—I am instructed by the House of Representative to inform the Senate, that they have passed the following resolution:

Resolved, With the consent of the Senate, that a joint committee of five members from this House, together with such number as may be chosen on the part of the Senate, be ap-

pointed to inquire into the condition and progress of the public buildings, and that they be instructed to report by bill or otherwise;

The House have appointed Messrs. Farrar, King, Ventress, Fulton and Wall.

They have given leave to introduce bills of the following titles, to wit:

A bill to be entitled An act to establish a branch of the Tombigbee Rail Road at Starkville, in Octibbeha county ;

A bill to be entitled An act prescribing the time for holding the Probate Court of Amite county ;

A bill to be entitled An act to incorporate the Columbus and Louisville Rail Road Company, in the State of Mississippi ;

A bill to be entitled An act to change the name of S. A. North, to that of S. A. McLean ;

A bill to be entitled An act for the relief of Samuel M. Pucket, guardian ;

A bill to be entitled An act to incorporate the Northern Bank of Mississippi, and for other purposes ;

A bill to be entitled An act to provide for the filling of vacancies in certain offices therein named ;

A bill to be entitled An act to legalize certain proceedings of the commissioners of the Mississippi Shipping Company, and for other purposes ;

A bill to be entitled An act to incorporate the Yazoo Grays ;

A bill to be entitled An act to organize the county of Perry ;

A bill to be entitled An act to authorize process out of the Circuit Court, to issue and bear teste in the name of the Clerk in certain cases ;

A bill to be entitled An act to incorporate the Northern Commercial Bank, in the town of Grenada.

The House have also concurred in the amendments made by the Senate to the bill to be entitled "An act to incorporate a Bridge across the Big Black river, and a Turnpike Road across the Swamp thereof;" and then he withdrew.

On motion of Mr. Sharpe,

Said message was laid on the table.

The Senate resumed, in committee of the whole, the consideration of the bill to be entitled "An act to take the census of the State of Mississippi for the year 1837," Mr. Hargis, again in the chair ; and after some spent therein, the committee rose, and Mr. Hargis reported that they had

had said bill under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Hargis,
Said report was received and agreed to.

On motion of Mr. Hargis,
The amendments were adopted.

On motion of Mr. Love,
Ordered, That the amendments be engrossed, and that the bill, with its amendments, be made the special order of the day for a third reading on to-morrow.

Mr. Maury, by leave of the Senate, introduced a bill to be entitled "An act to incorporate the Bank of Port Gibson;"

But before the same was read,

On motion of Mr. Van Norman,
The Senate adjourned.

WEDNESDAY, JANUARY 11, 1837.

Mr. Love called for the consideration of the message transmitted by the House of Representatives on yesterday:

And the call being sustained,
Said message was read.

On motion of Mr. Hargis,
The Senate concurred in the resolution contained in said message.

Ordered, That the committee on the part of the Senate consist of three.

The President appointed Messrs. Hargis, Sharpe and Haley, said committee.

The Senate proceeded to the orders of the day.

The bill to be entitled "An act to incorporate the Bank of Port Gibson," being under consideration;

On motion of Mr. Toomer,
The reading thereof was dispensed with, and
Ordered, That fifty copies thereof be printed for the use of the Senate.

The bill from the House of Representatives to be entitled "An act to take the census of the State of Mississippi for the year 1837,"

Was read the third time with its amendments;
And the question being put, "Shall this bill as amended pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

The bills of the following titles, to wit:

An act relative to the county of Perry; and

An act to incorporate the Trustees of the Presbyterian Church Ebenezer in the county of Jefferson, being under consideration.

On motion of Mr. Van Norman,

The orders of the day on said bills were postponed until to-morrow.

The message from the House of Representatives, in relation to the bill to be entitled "An act to authorize the New Orleans and Nashville Rail Road Company to extend their contemplated Rail Road through this State," being under consideration,

On motion of Mr. Sharpe,

The orders of the day on said message were postponed until three o'clock, P. M.

The Senate resolved itself into committee of the whole on the "Memorial from the House of Representatives, requesting Congress to donate the refuse lands in certain counties, for the purpose of establishing Female Seminaries of Learning therein," Mr. Cameron in the Chair; and after some time spent therein, the committee rose, and Mr. Cameron reported, that they had had said memorial under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Cameron,

Said report was received.

On motion of Mr. Moore,

Said report was agreed to.

On motion of Mr. Bole,

Said memorial was indefinitely postponed.

The Senate, according to order, resolved itself into committee of the whole on the bill from the House of Representatives, to be entitled "An act further to amend an act to incorporate the Commercial and Rail Road Bank of Vicksburg," Mr. Cocke, in the Chair; and after some time spent therein, the committee rose, and Mr. Cocke reported, that they had had said bill under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Cocke,

Said report was received and agreed to.

Mr. Bole, called for the consideration of the bill to be entitled "An act supplementary to an act entitled, an act to establish the Agricultural Bank of Mississippi;"

And the call being sustained,

On motion of Mr. Bole,

Said bill was referred to a select committee of three members.

The President appointed Messrs. Bole, Love and Cocke, said committee.

On motion of Mr. Bole,

Mr. Winchester was added to said committee.

Mr. Moore, called for the consideration of the bill from the House of Representatives to be entitled "An act regulating the Militia of this State;"

And the call being sustained,

On motion of Mr. Moore,

Said bill was committed to a select committee of three.

The President appointed Messrs. Moore, Falconer and Van Norman, said committee.

On motion of Mr. Bole,

Mr. Cocke was added to said committee.

Mr. Cocke offered the following resolution :

Resolved, With the concurrence of the House of Representatives, that the joint committee on enrolled bills, be instructed to compare the printed acts of the January Session of 1836, with the said acts as filed in the office of the Secretary of State, and that they report to this Legislature what errors exist in the printing of said acts.

Mr. Cocke moved that the rule requiring joint resolutions to lie one day on the table be dispensed with;

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Love,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Love,

Ordered, That there be a call of the Senate;

The call being made, and it appearing that several members were absent,

Ordered, That they be sent for.

On motion of Mr. Granberry,

Mr. Buckner had leave of absence during his present indisposition.

On motion of Mr. Love,

The call was suspended.

The Senate proceeded to consider the message from the House of Representatives, in relation to the bill to be entitled "An act to authorize the New Orleans and Nashville Rail Road Company to extend their contemplated Rail

Road through the State of Mississippi;" when the following messages were received from the House of Representatives, by Mr. Price, their clerk, *pro tem.*

MR. PRESIDENT—I am instructed by the House of Representatives to inform the Senate, that they have on this day appointed C. M. Price, Clerk of said House, *pro tem.* to serve during the indisposition of James Cornell.

MR. PRESIDENT—I am instructed by the House of Representatives to inform the Senate, that they have on this day passed a "Resolution in relation to Hugh Harrison," in which resolution they desire the concurrence of the Senate.

Mr. Bole moved that the rule be dispensed with, and that said resolution be considered forthwith;

And the question being taken thereon,

It was decided in the negative.

The Senate resumed the consideration of the message from the House of Representatives, in relation to the bill from the House of Representatives, to be entitled "An act to authorize the New Orleans and Nashville Rail Road Company to extend their contemplated Rail Road through the State of Mississippi;" when Mr. Van Norman, offered the following resolution:

Resolved, That the Senate proceed to elect by ballot a committee of free conference to consist of _____ members to confer with such committee as may be raised by the House of Representatives, with a view of settling the difference existing between the two Houses in relation to the Charter of the New Orleans and Nashville Rail Road Company.

The President decided said resolution out of order, and assigned the following reasons in support of his opinion:

It appears from the journals of the Senate, that they insisted on their third amendment to said bill, and that a message was received from the House of Representatives, notifying the Senate of their insisting on their disagreement to that amendment.

A committee of conference was asked by the Senate, and the committee, consisting of Messrs. Van Norman, Henderson and Buckner, elected.

A message was received from the House of Representatives, announcing the appointment of a committee on the part of the House, to act jointly with the committee of the Senate, on the subject matter of amendment and disagreement between the two Houses, on said third amendment.

On the 23d of February, Mr. Van Norman, from the joint committee on the part of the Senate, reported that they had *conferred freely* with the committee of the House of Representatives, and set forth the actings and doings, as well as the proposition of compromise, made in the joint committee. That report conclusively shows that it was a committee of free conference, and the report was *received and agreed to* by the Senate.

The consideration of the bill was subsequently called for, and an amendment proposed by Mr. Van Norman, receding from the third amendment of the Senate, and substituting another, which was decided by the President to be out of order. An appeal was taken, and the decision of the chair sustained by a vote of 15 to 4, and the Senate again insisted on their third amendment.

A motion was made by Mr. Buckner, to communicate to the House the report of the committee of conference of the Senate, and notify the House that the same had been received and agreed to, which motion was carried by a vote of 12 to 8.

A message was received from the House, announcing that they had received and agreed to the report of their committee of conference, and had adhered to their disagreement to the third amendment of the Senate.

These are the material facts in the case. It is laid down in Jefferson's Manual, that conferences are either simple or free; an examination of the journal will clearly show that this conference was not a simple, but a free conference.

It is also laid down in Jefferson's Manual, by Sutherland, that, if the committee of conference cannot agree, they report their disagreement to the House, and thus the bill is lost. Sometimes the Senate concurs in the report made by their committee, and the House refuses to sanction the report of their committee; when that happens, it is equivalent to the rejection of the bill.

If neither committee had reported, or, perhaps, if neither report in this case had been received or agreed to, it would have been in order for the Senate to appoint another committee of free conference.

Holding myself bound, by the most solemn obligations, to be governed in my decisions by old and established precedents, and believing that the authorities quoted, clearly sustain me, I decide the resolution of the Senator from Amite out of order, the bill having already been lost, and of course the subject matter of it cannot be again acted on during the present session.

From this decision, Mr. Van Norman appealed to the Senate, and after debate thereon;

On motion of Mr. Sharpe,
The Senate adjourned.

THURSDAY, JANUARY 12, 1837.

Mr. Van Norman moved that the journal of yesterday be corrected, by striking therefrom so much of the same as relates to the opinions of the President on a question of order.

The ayes and noes on said motion being called for by three members, are as follows:

Ayes—Messrs. Bole, Granberry, Haley, Hargis, Rannels, Sharpe and Van Norman—7.

Noes—Mr. President, Messrs. Alsbury, Camérón, Cocke, Falconer, Love, Maury, McRaven, Moore, Toomer and Winchester—11.

So the motion was lost.

Mr. McRaven presented the petition of Amos R. Johnston, in relation to a lot purchased by him of the State, in the town of Jackson, which,

On motion of Mr. McRaven,

Was referred to a select committee of three.

The President appointed Messrs. McRaven, Hargis and Winchester, said committee.

Mr. Toomer from the joint committee on enrolled bills, reported that they had examined a bill to be entitled "An act to incorporate a Bridge across the Big Black river, and a Turnpike Road across the Swamp thereof," and have found the same correctly enrolled.

The Senate proceeded to the orders of the day.

The appeal taken by Mr. Van Norman on yesterday from the decision of the President, pronouncing his resolution in relation to the bill from the House of Representatives, to be entitled "An act to authorize the New Orleans and Nashville Rail Road Company, to extend their contemplated Rail Road through the State of Mississippi," out of order, being under consideration,

On motion of Mr. Moore,

Ordered, That said appeal lie on the table.

Mr. Winchester called for the consideration of the resolutions submitted by him on a former day, in relation to the admission of delegates from the new counties into the House of Representatives, but the Senate refused to sustain the call.

The bill from the House of Representatives to be entitled "An act further to amend an act to incorporate the Commercial and Rail Road Bank of Vicksburg,"

Was read the third time ;

And the question being put, "Shall this bill pass?"

It was decided in the affirmative.

Ordered, That the title be as stated.

The bill to be entitled "An act relative to Perry County,"

Was read the third time ;

And the question being put, "Shall this bill pass?"

It was decided in the affirmative by ayes and noes, as follows :

Ayes—Messrs. Alsbury, Cameron, Falconer, Haley, Moore, Runnels, Sharpe and Van Norman—8.

Noes—Mr. President, Messrs. Cocke, Granberry, Hargis, Maury and Toomer—6.

So the bill was passed,

Ordered, That the title thereof be as stated.

The bill to be entitled "An act to incorporate the Trustees of the Presbyterian Church Ebenezer, in the county of Jefferson,"

Was read the third time ;

And the question being put, "Shall this bill pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

The bill to be entitled "An act to incorporate the Bank of Port Gibson," being in order for second reading.

On motion of Mr. Maury,

The orders* of the day on said bill were postponed until to-morrow.

The resolution submitted by Mr. Cocke on yesterday, in relation to the printed Statutes of January, 1836, being under consideration.

Mr. McRaven moved that the Senate adjourn until 3 o'clock, P. M.

And the question being taken thereon,

It was decided in the negative.

The President announced to the Senate that there was not a quorum of the Senate present, and thereupon

Ordered, That the absent members be sent for,

The absent members having appeared,

Mr. Falconer moved that the Senate adjourn until 3 o'clock, P. M.

And the question being taken thereon,

It was decided in the negative.

Mr. Haley then offered the following amendment to Mr. Cocke's resolution,

Strike out all after the word "resolved," and insert;

That the Secretary of State be instructed to report to the Legislature, whether the acts of the January Session, 1836, as filed in his office, have been correctly printed by the State Printer, and if not, what errors exist in the printed copy of said acts,

Which amendment was accepted by Mr. Cocke,
And the question being on the resolution as amended,
It was decided in the affirmative.

On motion of Mr. Alsbury,
The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Haley,

The vote given on to-day on the resolution of Mr. Cocke, in relation to the printed Statutes, was reconsidered.

When Mr. Cocke offered the following amendment thereto, which was accepted:

Strike out all after the word resolved, and insert, "by the Senate, with the concurrence of the House of Representatives, that the Secretary of State be instructed to report to this Legislature, whether the acts of the January Session, 1836, as filed in his office, have been correctly printed by the State Printer, and if not, what errors exist in the printed copies of said acts;"

And the question being taken on said resolution as amended,

It was adopted.

On motion of Mr. Love,

Ordered, That there be a call of the Senate.

The call being made, and the absent members having appeared,

On motion of Mr. Van Norman,

The call was suspended.

Mr. Haley moved that the Senate do now adjourn.

And the question being taken thereon,

It was decided in the negative.

Mr. Winchester called for the consideration of the resolutions submitted by him on a previous day, on the subject of admission of delegates from the new counties into the House of Representatives; but the Senate refused to sustain the call.

Mr. Winchester then offered the following resolution:

Resolved, That the Senate cannot consistently, with the constitution and laws of the State, concur in acts of legislation with the House of Representatives, as that body is at present organized, in the number and apportionment of its members.

And after debate thereon ;

On motion of Mr. Falconer,
The Senate adjourned.

FRIDAY, JANUARY 13, 1837.

Mr. Alsbury offered the following Preamble and Joint Resolutions :

Whereas, it is manifest that the interest and prosperity of this State demands that the present Session of the Legislature should pass an enumeration act to take the census of this State, with a view to the speedy representation in both branches, as well as the passage of the charter of the Union Bank now in progress ; and *whereas*, it is also manifest that in consequence of the difference in opinion with regard to the right of representation in the new counties, harmony and good order are not likely to prevail, and the public good would be promoted by an adjournment of this Session until the first Monday in September next, with the view and for the purpose of passing an act apportioning this State for representation in both branches of the Legislature preparatory to the regular biennial Session,—

Therefore resolved, With the concurrence of the House of Representatives, that the Legislature adjourn on Friday, the 20th instant, until the first Monday in September next, and at such adjourned meeting, no other business shall be transacted except the passage of an act apportioning the representation of this State.

Resolved, That until such adjournment, no other business shall be introduced or acted upon but the bill entitled “An act to take the census of this State, and the act which has for its object the incorporation of the Union Bank.”

Mr. Van Norman, from the select committee to whom was referred the bill to be entitled “An act to incorporate the Mississippi Union Bank,” reported that they had had the same under consideration, and had instructed him to report the same without amendment.

The Senate resumed the consideration of the resolutions submitted by Mr. Winchester on yesterday;

And after debate thereon,

The following message was received from the House of Representatives, by Mr. Price, their Clerk, pro tem.

MR. PRESIDENT—I am instructed by the House of Representatives to inform you, that they have passed resolutions relative to the demise of their Clerk, Mr. James Cornell, in which resolutions they desire your concurrence.

Said resolutions are as follows:

Resolved, That this House, with deep regret, communicate to the Senate, the melancholy intelligence of the death of their worthy and much lamented Clerk, James Cornell.

Resolved, That the Senate, as a body, be respectfully invited to attend his funeral, which will proceed from the State House this afternoon at 3 o'clock.

On motion of Mr. McNutt,

The Senate unanimously concurred in said resolutions; And as a farther act of respect to the memory of the deceased.

On motion of Mr. Van Norman,

The Senate adjourned.

SATURDAY, JANUARY 14, 1837.

The Senate resumed the consideration of the resolution submitted by Mr. Winchester, on Thursday last, in relation to the admission of delegates from the new counties, into the House of Representatives; and after debate thereon,

Mr. Moore moved that the Senate do now adjourn until 3 o'clock, P. M.;

And the question being taken thereon,

It was decided in the negative;

And after further debate thereon,

Mr. Van Norman moved, that the Senate adjourn until 3 o'clock, P. M.;

And the question being taken thereon,

It was decided in the negative;

And after further debate thereon,

On motion of Mr. Maury,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Moore,

Leave of absence until Monday morning, was granted to Mr. Haley.

The Senate resumed the consideration of the resolution submitted by Mr. Winchester, in relation to the admission

of delegates from the new counties into the House of Representatives,

When the following messages were received from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT—I am instructed by the House of Representatives, to inform the Senate, that they have this day elected Chas. M. Price their Clerk, in place of James Cornell, deceased.

I am also instructed to inform the Senate, that they have passed a bill in relation to organizing the county of Perry. in which they desire the concurrence of the Senate.

MR. PRESIDENT—I am instructed by the House of Representatives to inform the Senate, that they have concurred in the amendments made by the Senate to a bill to be entitled "An act to take the census of the State of Mississippi for the year 1837," with sundry amendments thereto, in which they desire the concurrence of the Senate;

And after some further debate,

On motion of Mr. McRaven,
The Senate adjourned.

MONDAY, JANUARY 16, 1837.

The President presented to the Senate a communication from the Auditor of Public Accounts.

Mr. Moore moved that the reading of said report be dispensed with, that the same be laid on the table, and that fifty copies thereof be printed;

And the question being taken thereon,

It was decided in the negative.

Said communication was then read, and,

On motion of Mr. Alsbury,
Ordered, That it lie on the table.

The Senate resumed the consideration of the resolution submitted by Mr. Winchester, on Thursday last, in relation to the admission of delegates from the new counties into the House of Representatives;

And after some debate thereon,

On motion of Mr. Alsbury,
Ordered, That said resolution lie on the table.

Mr. Maury called for the consideration of the bill to be entitled "An act to incorporate the Bank of Vicksburg;"

And the call being sustained,

Ordered, That the same be placed upon the orders of the day for to-morrow.

The resolution from the House of Representatives, in relation to Hugh Harrison,

Was read the second time.

The bill to be entitled "An act to incorporate the Bank of Port Gibson;" by unanimous consent, was read the second time by its title.

On motion of Mr. Van Norman,

Ordered, That said bill lie on the table.

The bill from the House of Representatives, to be entitled "An act to incorporate the Mississippi Union Bank," being in order for third reading;

On motion of Mr. Maury,

Ordered, That said bill lie on the table.

The amendments made by the House of Representatives, to the amendments made by the Senate, to the bill from the House of Representatives, to be entitled "An act to take the census of the State of Mississippi, for the year 1837," being under consideration;

Mr. Alsbury moved that the Senate concur in the first of said amendments.

Mr. Love moved that said bill, with its amendments, lie on the table;

And the question being taken thereon,

It was decided in the negative.

Mr. Maury moved that said bill, with its amendments, be referred to a select committee of three;

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Alsbury,

Said bill, with its amendments, was committed to a select committee of three, with instructions to report on to-morrow morning.

The President appointed Messrs. Alsbury, Van Norman and Maury, said committee.

The bill from the House of Representatives, to be entitled "An act to organize the county of Perry,"

Was read the first time.

By unanimous consent, the rule was dispensed with, and said bill was read the second time by its title; and,

By unanimous consent, the rule was further dispensed with, and said bill was read a third time by its title.

And the question being put, "Shall this bill pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

On motion of Mr. Alsbury,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The preamble and resolutions submitted by Mr. Alsbury on Friday last, in relation to the adjournment of the Legislature, being under consideration,

Mr. Alsbury moved that the further consideration of said preamble and resolutions, be postponed until to-morrow at 11 o'clock.

Mr. Bole moved that said preamble and resolutions lie on the table.

On motion of Mr. Alsbury,

Ordered, That there be a call of the Senate.

The call being made, and it appearing that five members were absent,

Ordered, That they be sent for.

On motion of Mr. Sharpe,

The Senate took a recess for twenty minutes.

Mr. Bole withdrew his motion to lay said resolution on the table.

Mr. Alsbury modified his motion, so as to postpone the consideration of said resolutions until 3 o'clock;

And the question being taken thereon,

It was decided in the affirmative.

On motion of Mr. Falconer,

The Senate adjourned.

TUESDAY, JANUARY 17, 1837.

The resolution from the House of Representatives in relation to Hugh Harrison, was read the third time;

And the question being put, "Shall this resolution pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

The bill to be entitled "An act to incorporate the Bank of Vicksburg," being in order for its second reading;

Mr. Bole moved that the rule be dispensed with, and said bill be read a second time by its title.

And the question being taken thereon,

It was decided in the negative.

Said bill was then read the second time.

Mr. Runnels moved that said bill be committed to a committee of the whole, and made the order of the day for to-morrow.

Mr. Sharpe moved that said bill lie on the table;

And the question being taken thereon,

It was decided in the affirmative.

Mr. Maury, from the select committee, to whom was referred the amendments made by the House of Representatives, to the amendments made by the Senate, to the bill to be entitled "An act to take the census of the State of Mississippi for the year 1837," reported that they had had said amendments under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Maury,

Said report was received and agreed to.

Mr. Buckner then offered the following amendment to said amendments:

Add to the end of the 4th Section;

And said assessor or other person, appointed to take the census shall have power to appoint special deputies to aid and assist him in performing the duties required by this act.

Which was adopted.

And then on motion of Mr. Sharpe,

The Senate concurred in the amendments as amended.

Mr. Buckner called for the consideration of the bill to be entitled "An act to incorporate the Mississippi Union Bank;"

But before the question was taken on the call,

On motion of Mr. Buckner,

Ordered, That that there be a call of the Senate.

The call being made, and it appearing that several members were absent,

Ordered, That they be sent for.

Before all the members had appeared,

On motion of Mr. Buckner,

The call of the Senate was suspended.

Mr. Maury then moved another call of the Senate;

And the question being taken thereon,

It was decided in the negative.

The question then recurred on the call of Mr. Buckner for the consideration of the bill to be entitled "An act to incorporate the Mississippi Union Bank," and was decided by ayes and noes, as follows:

Ayes—Mr. President, Messrs. Bole, Buckner, Granberry, Haley, Hargis, Love, Runnels, Sharpe and Van Norman—10.

Noes—Messrs. Alsbury, Cameron, Cocke, Falconer, Maury, McRaven, Moore and Toomer—8.

So the call was sustained.

A message from the House of Representatives, by Mr. Price, their clerk:

MR. PRESIDENT—I am instructed by the House of Re-

representatives to inform the Senate, that they have added Messrs. James Phillips, Whiting and Wilson to the joint committee on the Revised Statutes, in which they desire the concurrence of the Senate.

Mr. Buckner moved that said bill be made the order of the day for its third reading on to-morrow.

Mr. Alsbury moved that said bill be recommitted to a committee of the whole, and made the order of the day for to-morrow.

And after debate on said motion.

Mr. Alsbury withdrew said motion and moved that the further consideration of said bill be postponed indefinitely.

Mr. Cocke called for the reading of said bill,

Whereupon said bill was read.

Mr. Haley moved that the Senate adjourn until 3 o'clock, P. M.

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Alsbury,

Ordered, That there be a call of the Senate.

The call being made, and it appearing that several Senators were absent,

Ordered, That they be sent for.

The absent Senators having appeared,

The vote was taken on Mr. Alsbury's motion to postpone said bill indefinitely by ayes and noes, as follows :

Ayes—Messrs. Alsbury, Cameron, Cocke, Falconer, Maury and Toomer—6.

Noes—Mr. President, Messrs. Bole, Buckner, Granberry, Haley, Hargis, Love, McRaven, Moore, Runnels, Sharpe, Van Norman and Winchester—13.

So the motion was lost.

On motion of Mr. Alsbury,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

It appearing that several members were absent,

Ordered, That they be sent for.

The absent members having appeared,

The Senate proceeded to the consideration of the Preamble and Resolutions submitted by Mr. Alsbury on Friday last, relative to the adjournment of the Legislature.

On motion of Mr. Buckner,

The further consideration of said Preamble and Resolutions was postponed until to-morrow, at 10 o'clock.

A message from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT—The Speaker of the House of Representatives has signed bills of the following titles, to wit:

An act to organize the county of Perry; and

An act further to amend an act to incorporate the Commercial and Rail Road Bank of Vicksburg; which I am instructed to present to the President of the Senate for his signature.

The President signed said bills.

The Senate resumed the consideration of the bill to be entitled "An act to incorporate the Mississippi Union Bank."

On motion of Mr. Buckner,

The rule was dispensed with, and

Said bill was read a third time by its title.

And after debate thereon,

The following message was received from the House of Representative, by Mr. Price, their Clerk:

MR. PRESIDENT—The House of Representatives, have passed a bill to be entitled "An act for the permanent location of the seat of Justice of the county of Ponola," in which I am instructed to desire the concurrence of the Senate.

And then, on motion of Mr. Sharpe,

The Senate adjourned.

WEDNESDAY, JANUARY 18, 1837.

Mr. Winchester, from the select committee, to whom was referred the petition of Amos R. Johnston, reported that the relief asked for in said petition will require an appropriation of money from the Treasury, by a bill originating in the Senate.

The committee, therefore, beg leave to be discharged from the further consideration of said petition; and that the petitioner have leave to withdraw his petition.

On motion of Mr. Winchester,

Said report was received and agreed to.

Mr. Toomer, from the joint committee on enrolled bills, reported that they had examined bills of the following titles, viz:

An act further to amend an act to incorporate the Commercial and Rail Road Bank of Vicksburg; and

An act to organize the county of Perry;

And had found the same correctly enrolled.

The preamble and resolutions submitted by Mr. Alsbury

on Friday last, relative to the adjournment of the Legislature, being the special order of the day, the Senate proceeded to consider the same.

Mr. Moore offered the following amendment thereto:

Strike out the preamble and all of the resolutions after the word resolved, and insert "That on Saturday, the 21st instant, (the House of Representatives concurring,) this Legislature will adjourn *sine die*."

On motion of McRaven,

Ordered, That there be a call of the Senate.

The call being made, and it appearing that several Senators were absent,

Ordered, That they be sent for.

The absent Senators having appeared, the Senate resumed the consideration of said preamble and resolutions; when

Mr. Falconer offered the following amendment to the amendment offered by Mr. Moore:

Strike out all after the word "instant," and insert "the Senate do adjourn *sine die*."

The President decided said amendment to the amendment out of order.

From this decision of the Chair, Mr. Falconer appealed to the Senate, and the question being put "Shall the decision of the Chair stand?"

It was decided by ayes and noes, as follows, viz:

Ayes.—Mr. President, Messrs. Alsbury, Bole, Buckner, Cameron, Cocke, Granberry, Haley, Hargis, Love, Maury, Runnels, Sharp, Toomer and Van Norman.—15.

Noes.—Messrs. Falconer, McRaven, Moore and Winchester.—4.

So the decision of the Chair was sustained.

The question then recurred on the amendment of Mr. Moore, and was decided by ayes and noes, as follows:

Ayes.—Messrs. Cameron, Falconer, McRaven, Maury and Moore.—5.

Noes.—Mr. President, Messrs. Alsbury, Bole, Buckner, Cocke, Granberry, Haley, Hargis, Love, Runnels, Sharpe, Toomer, Van Norman and Winchester.—14.

Mr. Alsbury then offered the following amendment to his original resolution:

Amend by striking out the preamble, and all after the word resolved, and insert;

"Whereas, it is manifest that in consequence of the doubt which exists in both branches of this Legislature, with regard to the right of representation in the new counties, harmony and good order are not likely to prevail, and the

public good would be promoted by an adjournment of this session until some proper time, with the view and for the purpose of passing an act apportioning this State for representation in both branches of the Legislature, preparatory to the regular biennial session: Therefore,

Resolved, With the concurrence of the House of Representatives, that the Legislature adjourn on Saturday the 21st instant, until the 2d Monday in May next.

The ayes and noes on said amendment being called for by three members, are as follows:

Ayes.—Messrs. Alsbury, Buckner, Cameron, Falconer, Maury, McRaven, Moore, Sharpe, Toomer and Winchester.—10.

Noes.—Mr. President, Messrs. Bole, Cocke, Granberry, Haley, Hargis, Love, Runnels and Van Norman.—9.

So the amendment was adopted.

The question then recurred on the resolution as amended, and was decided in the affirmative, by the ayes and noes, as follows:

Ayes.—Messrs. Alsbury, Buckner, Cameron, Falconer, Maury, McRaven, Moore, Sharpe, Toomer and Winchester.—10.

Noes.—Mr. President, Messrs. Bole, Cocke, Granberry, Haley, Hargis, Love, Runnels and Van Norman.—9.

So the resolution as amended was adopted.

The question was then taken on the preamble to said resolution, and decided in the negative by ayes and noes, as follows:

Ayes.—Messrs. Alsbury, Buckner, Cameron, Falconer, McRaven, Moore, Toomer and Winchester.—8.

Noes.—Mr. President, Messrs. Bole, Cocke, Granberry, Haley, Hargis, Love, Maury, Runnels, Sharpe and Van Norman.—11.

So the Senate refused to adopt the preamble.

A message from the House of Representatives, by Mr. Price, their Clerk.

MR. PRESIDENT—The House of Representatives have instructed me to inform the Senate that they have concurred in the amendment made by the Senate to amendments made by the House, to the amendments made by the Senate to the bill to be entitled "An act to take the census of the State of Mississippi, for the year 1837."

Mr. Love called for the consideration of the resolution submitted by Mr. Winchester, on Thursday last, in relation to the admission of delegates from the new counties into the House of Representatives; and the call being sustained,

Mr. Alsbury moved that the Senate adjourn until 3 o'clock, P. M.;

And the question being taken thereon,

It was decided in the negative.

And after debate,

Mr. Love moved that the Senate adjourn until half after 3 o'clock;

And the question being taken thereon,

It was decided in the negative.

And after further debate,

Mr. Winchester moved that the Senate adjourn until 3 o'clock, P. M.;

And the question being taken thereon,

It was decided in the negative.

Ordered, That there be a call of the Senate.

The call being made, and it appearing that several Senators were absent,

Ordered, That they be sent for.

But before they appeared,

On motion of Mr. Van Norman,

The call was suspended.

And after further debate;

On motion of Mr. Sharpe,

Ordered, That there be a call of the Senate.

The call being made, and it appearing that one Senator was absent,

Ordered, That he be sent for.

The absent Senator appeared;

The question was taken on the adoption of Mr. Winchester's resolution, by ayes and noes and decided in the negative, as follows, to wit:

Ayes—Messrs. Alsbury, Cameron, Falconer, McRaven, Moore and Winchester—6.

Noes—Mr. President, Messrs. Bole, Buckner, Cocke, Granberry, Haley, Hargis, Love, Maury, Runnels, Sharpe, Toomer and Van Norman—13.

So the resolution was lost.

Mr. Alsbury moved that the Senate do now adjourn.

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Love,

The Senate adjourned until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

Mr. Buckner, from the select committee to whom was referred the petition of Benjamin F. Smith, by leave of the Senate, reported that they had had the same under consideration, and had instructed him to report a bill to be entitled "An act for the benefit of the heirs of Sarah D. Terry, deceased."

On motion of Mr. Buckner,

Said report was received and agreed to.

Whereupon, said bill was read the first time.

Mr. Toomer by leave of the Senate, introduced a bill to be entitled "An act to provide for the re-printing and publishing certain laws of this State."

Which was read the first time.

Mr. Maury moved that the rule be dispensed with, and that said bill be read a second time forthwith;

And the question being taken thereon,

It was decided in the negative.

The Senate resumed the consideration of the bill from the House of Representatives to be entitled "An act to incorporate the Mississippi Union Bank."

And after debate thereon,

Ordered, That there be a call of the Senate.

The call being made,

Ordered, That the absent members be sent for.

The absent members appeared.

The question was then put, "Shall this bill pass?" and decided by ayes and noes, as follows, to wit :

Ayes—Messrs. Bole, Buckner, Granberry, Haley, Hargis, Love, McRaven, Moore, Runnels, Sharpe and Van Norman—11.

Noes—Mr. President, Messrs. Alsbury, Cameron, Cocke, Falconer, Maury, Toomer and Winchester—8.

So the bill was passed.

Ordered, That the title thereof be as stated.

Said bill is as follows :

An act to incorporate the subscribers to the Mississippi Union Bank.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That an Institution shall be established, under the title of "The Mississippi Union Bank," with a capital of fifteen million five hundred thousand dollars, which said capital shall be raised by means of a loan, to be obtained by the directors of the Institution.

SECT. 2. *Be it further enacted,* That books of subscription, for the sum of fifteen million five hundred thousand dollars, divided into shares of one hundred dollars each, and intended to secure the loan of said fifteen million five hundred thousand dollars, shall be opened after twenty days notice given in all newspapers published in this State, and in all counties, in which no newspaper may be established, notice shall be given by advertisement, posted up in three of the most public places in each of said counties, immediately after the promulgation of this act, under the inspection of ten managers to be chosen by joint ballot, by the Legislature. Said books of subscription shall be kept open from 10 o'clock, A. M. until three, P. M. at the seat of government of this State, which said books shall be continued open for the six next ensuing months, and at the termination of which period of time, they shall be closed. Immediately after the expiration of said term, the directors to be appointed, as hereafter provided for, or a majority of them, shall make a correct statement of the said subscriptions; and in case the whole sum subscribed for, shall amount to more than fifteen million five hundred thousand dollars, the said directors or a majority of them, shall deduct the amount of such excess from, first, the stock of which sufficient security shall not be offered, and then from the largest subscriptions, in such manner, that no subscription shall be reduced in amount, while any one remains larger; and in case the whole amount of one hundred and fifty thousand shares shall not have been subscribed at the time of closing said subscription books, then the said subscription books shall be reopened on the first day of March in each and every year thereafter, under the inspection of directors appointed, as herein-after provided for; and the said books of subscription shall be kept open for the space of forty days in each year, until the full amount of said one hundred and fifty thousand shares shall have been subscribed for. The managers shall publish, during twenty days, notice in the different newspapers published at Jackson, Vicksburg, Natchez, Port-Gibson, Woodville and Columbus, and the balance of the newspapers, published in this State, notice of the day and place when said books of subscription may be opened. The deductions to be made by virtue of this section shall be fair and equitable, and without reference to any particular place or places, and to be regulated in the manner prescribed by this section.

SECT. 3. *Be it further enacted,* That books of subscription, for the stock of said bank shall be also opened at the seat

of justice in each county in this State, under the inspection of three managers, at each of the aforesaid places, who shall be elected by the Legislature, *viz* : For the county of Amite, E. M. Davis, Wm. H. Dillingham and V. T. Crawford ; For the county of Adams, Joseph Neibert, Arthur Fulton and Noah Barlow ; For the county of Attala, Gordon D. Boyd, Joel Harvey and Richard Ross ; For the county of Marshall, C. Kyle, Byrd Hill and ——— Randolph ; For the county of Claiborne, Joseph H. Moore, Benjamin Hughes, Joseph O. Pierson ; For the county of Clarke, William Covington, Allen McClenden and Thomas Watts ; For the county of Carroll, Wm. Blank, William Y. Collins, John E. Palmer ; For the county of Covington, Jesse McAfee, Daniel M. Laurin and Archibald Anderson ; For the county of Choctaw, Rheuben Box, John R. Golden and John Snow ; For the county of Covich, Hardin Burnly, William Barnes and Benjamin Weeks ; For the county of Lauderdale, Epps Brown, Duncan Calhoun and John Alexander ; For the county of Jasper, Asa Hartfield, John W. Hendrick and Seymour White ; For the county of Jefferson, J. B. Coleman, John M. Whitney and H. N. Flemming ; For the county of Jackson, Samuel Davis, Patrick Ward and B. Childers ; For the county of Kemper, J. A. Marshall, Benjamin C. Oppetts and John C. Thomas ; For the county of Jones, John Moffit, Duncan Thompson and Lennon B. Ellis ; For the county of Holmes, James Higgins, Robert Cook and Arthur Hays ; For the county of Greene, Isham Moody, Daniel F. McInnis and Alexander McLean ; For the county of Lawrence, Robert Jelks, John McGaha and Henry Calhoun ; For the county of Leake, George S. Fitter, George W. Wilson and Warren Todd ; For the county of Lowndes, John A. Hogg, George Good and William H. Walsh ; For the county of Madison, J. Silverburg, John Munce and William Montgomery ; For the county of Marion, Allen Barnes, James Atkerson and William Rankin ; For the county of Monroe, James H. Bell, George Wightman and W. L. Morgan ; For the county of Neshoba, William Donaldson, William Herbert and Bird Safford ; For the county of Noxubee, James Moore, James T. Harrison and Joseph H. Frith ; For the county of Octibbeha, Robert A. Lamking, A. Bell and John Bellington ; For the county of Perry, Abner Carter, Archibald McCallum and John S. Hoaze ; For the county of Pike, R. T. Sparkman, S. M. Catching and A. R. Green ; For the county of Rankin, William H. Shelton, Thomas S. N. King and Charles A. Folsom ; For the county of Scott, John T. Smith, Moses

Collins and S. D. Young ; For the county of Simpson, N. Freeman, J. J. H. Morris and Joseph Boggan ; For the county of Smith, John Campbell, John Thornton and Jacob Carr ; For the county of Tallahatchie, Augustus L. Humphrey, Ninian McCracken and Washington W. Mitchell ; For the county of Washington, Wm. P. Montgomery, Anderson Miller and Robert McCullough ; For the county of Wilkinson, John L. Wall, Wm. C. S. Ventress and Thomas S. Herbert ; For the county of Winston, George W. Thomison, Hillery Portwood and Benjamin Prestrege ; For the county of Wayne, D. C. Shaw, S. H. Lang and William Towner ; For the county of Franklin, Robert Anderson, John F. Witherspoon and Thomas Rowan ; For the county of Yellobusha, John Brown, John B. Pass and William Fly ; For the county of Warren, William M. Pinkard, J. J. Chewning and William Henderson ; For the county of Pontotoc, John Bell, Joel Pinson and Thos. J. Word ; For the county of Ponola, Thos. B. Hill, Augustus B. Sanders and B. B. Wilson ; For the county of Bolivar, Wm. B. Cook, Peter Wilkinson and Francis Patterson, senior ; For the county of Lafayette, Alex. T. Caruthers, Beverly Mitchell and Thos. Lane ; For the county of Hancock, P. B. Toulme, Samuel White and Willis H. Arnold ; For the county of Yazoo, Robert L. Batie, Lineas B. Markham and Robert C. Campbell, and the said managers or a majority of them, shall keep the aforesaid books open at each of the aforesaid places, from ten o'clock in the morning until two o'clock in the afternoon on Tuesday of each week, for the space of three months, at such house as they shall designate; they giving thirty days previous notice, by advertisement in the newspapers published in said counties, if any, and in the most contiguous, should there be no newspapers in the counties for which said books of subscription are to be opened for, of the time and place said books will be opened : the said managers shall have all the power and authority granted, by this act, to the managers appointed to receive subscriptions at the place designated for the location of the parent bank; and said managers shall immediately after the expiration of the three months, said books are required to be kept open, transmit to the managers of the parent bank, the books of subscription so opened by them at the aforesaid places, together with all the titles, and other documents that may have been deposited with them, in order that the board of directors of the mother bank may finally decide on the validity and sufficiency of the titles so transmitted by them,

before the subscribers may be declared to be stockholders, as hereinafter provided for; and should any, or either, of the managers herein appointed, fail or refuse to act, then the managers elected to open the books at the seat of government, or a majority of them, may supply all vacancies.

SECT. 4. *Be it further enacted,* That the owners of real estate, situated in the State of Mississippi, and who are citizens thereof, shall be the only persons entitled to subscribe; and shares so subscribed, shall be transferable only to such owners, until after five years, when they may be transferred to any owner of real estate in this State, whether citizens or not: *Provided however,* to secure the capital or interest of said bank, mortgage shall be given on property of a sufficient character, and of an imperishable nature.

SECT. 5. *Be it further enacted,* That in order to facilitate the said Union Bank, for the said loan of fifteen million five hundred thousand dollars, the faith of this State be, and is hereby pledged, both for the security of the capital and interest, and that seven thousand five hundred bonds of two thousand dollars each, to wit: eighteen hundred and seventy-five, payable in twelve years; eighteen hundred and seventy-five, in fifteen years; eighteen hundred and seventy-five, in eighteen years; and eighteen hundred and seventy-five, in twenty years, and bearing interest at the rate of five per cent per annum, shall be signed by the Governor of the State, to the order of the Mississippi Union Bank, countersigned by the State Treasurer, and under seal of the State. Said bonds to be in the following words, *viz:* \$2000.

Know all men by these presents, that the State of Mississippi acknowledges to be indebted to the Mississippi Union Bank, in the sum of two thousand dollars, which sum the said State of Mississippi promises to pay, in current money of the United States, to the order of the President, Directors and Company, in the year with interest at the rate of five per cent per annum, payable half yearly at the place named in the endorsement hereto, *viz:*

On the of every year until the payment of the said principal sum. In testimony whereof, the Governor of the State of Mississippi has signed, and the Treasurer of the State has countersigned, these presents, and caused the seal of the State to be affixed thereto, at Jackson, this in the year of our Lord

Governor.
Treasurer.

SECT. 6. *Be it further enacted,* That the said bonds may be transferable by the endorsement of the President and of the Cashier of said Bank, to the order of any person whomsoever, or to the bearer, and the said endorsement shall fix the place the said principal and interest shall be paid; and all expenses incurred thereon, shall be defrayed from the funds of the Bank.

SECT. 7. *Be it further enacted,* That both the capital and interest of the said bonds shall be paid by said bank, at the times they shall severally fall due.

SECT. 8. *Be it further enacted,* That to secure the payment of the capital and interest of said bonds, the subscribers shall be bound to give mortgage, to the satisfaction of the directors, on property, to be in all cases equal to the amount of their respective stock, which mortgage may bear on cultivated lands, plantations and slaves; on town lots, with houses thereon; on other buildings, yielding a rent; on lands not under cultivation, but susceptible of being cultivated; and on vacant lots, capable of being improved. with this provision, that not more than one-fifth of the stock of each stockholder, may be secured by mortgage on unimproved lands, not included in any plantation, and on vacant lots in town; no mortgage on slaves alone shall be received; and that when a mortgage shall be offered on lands and slaves, the value of the lands shall be equal to three-fourths of the stock for which the mortgage shall be given; that houses or other buildings, situated in any city or town, shall always be insured against the risk of fire, and the policy of the insurance transferred to said Union Bank: but it shall not be required to have the buildings on any plantation insured; no mortgage shall be received on a brick building for more than one-half of its value; and on a wooden building for more than one-fourth, and that no one shall be permitted to subscribe until he shall deliver to the commissioners a valid act of sale, or patents, or certificates of conformation from the land commissioners of the United States, or partition sales and adjudication by a decree of a court, verified according to law, or such other evidence of title to the property proposed as a guarantee to the bank, as may be deemed satisfactory to said commissioners or directors, that property already mortgaged may be received as a guarantee: *Provided,* That the directors shall first deduct from the whole value of the property, at least twice the amount of said mortgages, and then grant such, only on the excess remaining after the deduction: *Provided further,* That the mortgage existing on said pro-

erty, shall not prevent the board of directors from receiving them as security for stock, when the sum to be loaned is to be employed in the extinguishment of said mortgage.

SECT. 9. *Be it further enacted,* That the subscribers of the said Union Bank be, and they are hereby, created a corporation and body politic, for and during the term of forty years from the passage of this act, and shall be, and are hereby, made capable, under the name and style of the Mississippi Union Bank, to receive and possess all kinds of property, either moveable or immoveable, and to sell, alienate, demise and dispose of the same; to loan, to negotiate, to take mortgages and pledges; and to discount on such terms, and such securities, as they shall judge proper: *Provided,* That the whole amount of their accounts and goods, of every description, do not exceed double the amount of the capital actually received—the profits realized, and in the possession of the bank, being always considered as a part of their capital: *And, provided also,* That the debts due by the bank, exclusive of deposits, shall not exceed double the amount of their capital; and that they shall not take more than seven per cent interest per annum, on any loan or discount; or interest exceeding six per cent per annum on any loan or discount made on notes to order, payable within six months from the time the loans or discounts are made; and they may sue or be sued, plead and be impleaded, answer and receive answers, in all courts having competent jurisdiction; and to have a common seal, and the same to alter or renew at pleasure; and to ordain and establish such by-laws, rules and ordinances, as they shall deem necessary and suitable for the government of said corporation, not being contrary to this act, nor to the constitution and laws of the United States and the laws of this State.

SECT. 10. *Be it further enacted,* That for the management of the affairs of said bank, there shall be thirteen directors, chosen from among the stockholders; five of whom shall be elected and chosen by the Legislature, by joint vote of both houses, biennially; and, upon the part of the stockholders, eight shall be annually chosen, at the banking-house of the said bank, by the qualified stockholders of the capital of said bank; each stockholder to have one vote, for every share held by him; but no person, copartnership or firm, shall be entitled to a greater number than one hundred votes, and no one shall be entitled to vote by proxy, more than six hundred votes. The appointments on the part of the State, to be made during the first term of the meeting

of the Legislature, at their regular and constitutional meetings, after the passage of this act.

SECT. 11. *Be it further enacted,* That those who shall become, and be declared stockholders to the institution, under the provisions of this act, shall be required to pay in cash, the sum of ten dollars over to the commissioners or directors, or their agents, on each and every share subscribed for by them, at such time as may be required by the said directors.

SECT. 12. *Be it further enacted,* That after the closing of the books, and when it shall appear that at least five hundred thousand dollars shall have been subscribed, and paid in, on the original stock of the capital of said bank, the said institution shall go into immediate operation, under the provisions hereinafter mentioned.

SECT. 13. *Be it further enacted,* That the Legislature shall, upon joint vote, appoint three commissioners in each of the districts of the State hereinafter designated, whose duty it shall be to ascertain, and appraise the property of those who wish to become stockholders in the institution, as well as those who are desirous to obtain loans on mortgage; and the said commissioners shall deliver to all persons whose property they appraise, detailed and authentic certificates of its value, of the number of acres of which each is composed, how many acres are under cultivation, and how many are capable of being cultivated, and how many are not; the nature of the culture, the number of slaves, and their condition, age, and sex, and the number of animals employed; the number and quality of the buildings, and an estimate of each and all, which certificate must be signed and sworn to before a judge or magistrate, or some one authorized to administer oaths, by said commissioners or a majority of them.

SECT. 14. *Be it further enacted,* That so soon as five thousand shares shall have been subscribed, in the manner herein provided for, the Governor of the State shall provisionally appoint thirteen directors, who shall serve for twelve months; and it shall be the duty of the said directors to choose a President of the said Mississippi Union Bank, and who shall be chosen from among themselves; and the president thus chosen, shall remain in office twelve months following their appointment; and that so soon as the directors are appointed, and the president chosen, the power of the commissioners appointed to receive the subscriptions, and the papers relating thereto, and in the possession of the

commissioners, shall be delivered over to the board of directors.

SECT. 15. *Be it further enacted,* That after the first appointment, an annual election of eight directors, for the stockholders, shall be held on the first Monday in March of each and every year; and the said directors, except those upon the part of the State, shall be elected by the stockholders, or their attorneys, with the restrictions before recited, after public notice of the same is given in the newspapers published at Jackson, Vicksburg, Natchez, Woodville, Port-Gibson, Columbus and Manchester, thereby designating the time and place of said election, when the stockholders shall meet for that purpose: the time thus fixed shall be at least two months after the publication of such notice and law; and said directors shall be elected by a plurality of votes: *Provided*, the said shares shall have been held three calendar months previous to the election; otherwise the holders thereof shall not be entitled to vote; and the directors shall remain in office from the second Monday of March, to the same month in the year following; and the board of directors shall every year, at the first meeting after their election, elect one of the directors to be president of the said institution, and who shall remain in office during the term for which said directors were elected as above stated: *Provided always*, That if an election or appointment of directors, or of a president, shall not take place at the period fixed by the present act, the corporation shall not on that account be dissolved, but it may be lawful at any other period to hold said election, or make new nominations as the case may be; and the manner and place of holding the elections, shall be fixed by the by-laws and ordinances of the board of directors; and until such elections, the president and directors of the said Union Bank shall be continued in office: *And provided also*, That in case of vacancy arising from death, resignation, absence from this State for the term of six months, non-acceptance, refusal to qualify, or removal from office of any director, the vacancy shall be filled by the board of directors.

SECT. 16. *Be it further enacted,* That the cashiers, tellers, book-keepers, and all other officers, and servants of the bank, shall give bonds, with security to be approved of by the president and directors of said institution, for the faithful discharge of their duties; and that their appointment shall be made by the direction of the bank; and they may be removable at the pleasure of said direction, and their salaries be fixed by the said board of directors, who may be

increased or diminished, as may be deemed necessary by said board.

SECT. 17. *Be it further enacted*, That no individual can be a director of said bank, who is not a citizen, domiciliated in the State, and who does not at the time of his election, in his own right, hold at least thirty shares of the capital stock of said bank; and no emolument, privilege or compensation shall be allowed said director, excepting the President, as herein provided for; nor any one be a director, who is a director of any other bank, nor his partner, nor two persons in partnership or having a joint interest in trade, be at the same time directors of said Union Bank; and if after being elected or appointed, any director should fail, he shall be incapable of holding his office, and another shall be elected in his place, as herein provided for, with this provision: that if the director, who shall become incapable of holding his office, or shall resign, or refuse to act, the vacancy shall be filled by the board of directors; or if a director upon the part of the State, shall be appointed by the Governor.

SECT. 18. *Be it further enacted*, That said corporation shall not issue any note, bill or check, for a less sum than ten dollars, and if payable to order, they shall be transferable by endorsement, and if payable to bearer, they shall be transferable by delivery.

SECT. 19. *Be it further enacted*, That the whole of the profits of the said Union Bank shall remain with, and be employed by the directors, as a part of its capital, until the full payment of that portion of the bonds of the State specified in the fifth section, which will be payable in twelve years, after which, one-fourth of the profits then realized, shall be divided among the stockholders, in the proportion to which they shall be entitled respectively; and the whole of the remaining and subsequent profits of the bank, shall be employed by the bank, until the full payment of the bonds of the State, which will be payable in fifteen years; after which, one-fourth of the profits then realized shall be divided out among the stockholders, as before provided for and mentioned, and the whole of the remaining and subsequent profits shall be employed by the bank, until the full payment of the bonds of the State, which will be payable in eighteen years; after which, one-fourth of the profits then realized, shall be divided as aforesaid; and the whole amount of the remaining and subsequent profits shall be employed by the bank, until the final payment and extinguishment of all the bonds of the State in favor of this institution; and after which, the whole of the profits shall

be divided as aforesaid, and all subsequent profits be divided annually, with this provision: that in consideration of the bonds made by the State, in addition to a voice in its direction, the State shall be entitled to one-tenth part of the whole profits of the bank, which one-tenth part shall be paid into the Treasury, at the times and in the proportions provided for by this section to the stockholders.

SECT. 20. *Be it further enacted,* That quarterly in each and every year, from the first of January next, after the establishment of the said Union Bank, the stockholders who desire it, may be allowed to examine the affairs of the bank; and it shall be the duty of the board of directors of the parent bank, to furnish free access and inspection of the books, (save the private deposits of individuals,) of the institution to the stockholders, and to give them any information they may desire touching the management of said bank.

SECT. 21. *Be it further enacted,* That the said corporation shall never refuse specie payment in current coin of the United States, or suspend payment of any of their notes, bills, or obligations, or of any funds received by them on deposit; and if ever the said corporation shall refuse or suspend the said payment, the bearer or holder of any note or obligation, or any person having the right to demand or receive the same, or receive the amount of any deposits as before recited, shall be entitled to receive and recover damages at the rate of fifteen per centum per annum.

SECT. 22. *Be it further enacted,* That if by the first day of January, eighteen hundred and thirty-nine, three thousand shares shall not have been subscribed for, it may be lawful, as the opinion of the Legislature may decide upon, to revoke this charter.

SECT. 23. *Be it further enacted,* That the board of directors of the parent bank shall have power to make regulations and ordinances for the government of the affairs of the bank, and to pass by-laws for the same, which they may alter, amend, or add to, as the interest of the corporation may require; and they shall establish rules for the conducting the affairs of said bank, which they may in like manner alter, amend, or add to, as may be necessary, for the service of the said bank, the same being not contrary to law.

SECT. 24. *Be it further enacted,* That it shall be the duty of the board of directors to keep a set of books, in which all their deliberations, rules and ordinances, shall be entered; and the Legislature shall have power at any time to appoint a committee to examine said books of deliberations,

rules and ordinances, and to ascertain the amount of cash, the amount of notes in circulation, and a complete and accurate list of the balances due the bank, as well as the amount of deposits, and all other affairs of said bank, so as to be informed of its true situation, and be enabled to make a full report thereof to the Legislature.

SECT. 25. *Be it further enacted,* That the capital of said bank shall be exempt from any tax imposed by this State, or by any county or body corporate, under the authority of this State, for and during the continuance of its charter.

SECT. 26. *Be it further enacted,* That the board of directors shall be judges of the sufficiency of the mortgages offered for stock and loans, and shall have power to reject the same if not sufficient; and in such case may require other security, or in default thereof, reduce the shares of such defaulters to the amount sufficiently secured; they may also require other and additional security, on the renewal of any loan, note, or accommodation, for which application may at any time be made, if, in their opinion, the original security is not sufficient, safe or satisfactory; that the loans of the bank and mortgages for stock, and loans granted by virtue of this act, shall bear ten per cent interest per annum after maturity, if not punctually paid; and the Mississippi Union Bank, shall have the right to cause to be seized and sold, according to the laws of this State, the property so mortgaged, in whose hands soever it may be found, in the same manner, and with the same facilities, as if it was found in the hands of the mortgagor, notwithstanding any change of title by inheritance or otherwise.

SECT. 27. *Be it further enacted,* That if a stockholder should fail, he shall be divested of his quality of stockholder, and his share or shares shall be sold by the board of directors, with all the rights and credits thereto belonging.

SECT. 28. *Be it further enacted,* That if any individual who shall have obtained from said bank a loan, secured by mortgage, as herein provided for, shall make a voluntary or forced surrender of his property to his creditors, the said surrender shall not impair the right of the bank to any mortgaged property; and said mortgaged property shall not be comprised in any cession or estate, until the full payment is previously made of the sum due the bank, and secured by mortgage; and the bank may proceed by order of sale, in the same manner as if no surrender had been made; and any surplus of the proceeds of such sale, after paying the debt due the bank, shall be paid over to the person's legal representatives: in no case shall the applying for, or obtaining

a respite from creditors, in any manner impair or effect the right of the bank, to recover all loans secured on the property of such persons; nor shall any act of seizure, or the execution of property be, in any manner delayed, or influenced thereby.

SECT. 29. *Be it further enacted,* That the board, with the privileged mortgagers, for the sum of fifteen millions five hundred thousand dollars subscribed by the stockholders of said bank, according to their shares, for the purpose of securing the loan of fifteen million five hundred thousand dollars, shall be deposited in the office of said institution, as security for the reimbursement of the capital as well as interest of said bonds granted by the State; and, whenever application shall be made by a stockholder, to transfer his stock, and be discharged, such transfer and discharge may take place upon the new stockholder's furnishing mortgage to the satisfaction of at least a majority of all the directors; in all such cases of transfer and discharge, the vote shall be taken by yeas and nays.

SECT. 30. *Be it further enacted,* That as soon as directors are appointed, as herein before provided for, they shall proceed to the election of a president, and the same shall be notified to the Governor of the State, who will, thereupon, execute to the said bank, from time to time, bonds in amount proportioned to the sums subscribed, and secure to the satisfaction of the directors, as required by the charter, until the whole amount of fifteen millions five hundred thousand dollars shall be furnished in bonds, as herein before provided for.

SECT. 31. *Be it further enacted,* That the State of Mississippi shall be entitled to a credit of two hundred thousand dollars, on furnishing notes or obligations for such sum as may be required to be used, and paying the usual interest annually, and in advance; and each and every stockholder shall be entitled to a credit equal to one-half of the total amount of their respective shares, which shall bear interest at the rate of seven per centum per annum; four per cent of such loans and interests shall be paid annually; and the individual notes of the stockholders renewed annually, until the whole loan shall be paid and extinguished.

SECT. 32. *Be it further enacted,* That there shall be established seven offices of discount and deposits, as follows, to wit:

First. One at Macon, in the county of Noxubee, for the use and accommodation of the counties of Lowndes, Octibeha, Winston, Noxubee, Kemper, Lauderdale and Neshoba,

with a capital of one million eight hundred thousand dollars.

Second. One at Augusta, in the county of Perry, for the counties of Clark, Jasper, Covington, Jones, Wayne, Jackson, Hancock, Green, Perry and Marion, with a capital of one million of dollars.

Third. One at Aberdeen, in the county of Monroe, for the county of Monroe, Itawamba, Tishemingo, Tippah, Pontotoc, Chickasaw and Marshall, with a capital of one million of dollars.

Fourth. And one at the town of Lexington, in the county of Holmes, for the counties of Yazoo, Holmes, Carroll, Choctaw, Attala and Leake, with a capital of one million nine hundred thousand dollars.

Fifth. And one at the town of Tillatoba, in the county of Tallahatchie, and for the counties of Yalobusha, Tallahatchie, Lafayette, De Soto, Ponola and Tunica, with a capital of one million three hundred thousand dollars.

Sixth. One in the town of Vicksburg, in the county of Warren, for the counties of Claiborne, Warren, Washington, Bolivar, Coahoma, with a capital of one million five hundred thousand dollars.

Seventh. One at Liberty, in the county of Amite, and for the counties of Pike, Amite, Wilkinson, Adams, Franklin and Jefferson, with a capital of two millions of dollars.

The counties of Madison, Hinds, Copiah, Simpson, Rankin, Scott, Smith and Lawrence, to be the eighth district, and to be supplied by the mother bank.

SECT. 33. *Be it further enacted,* That the parent bank of the Mississippi Union Bank, shall be located in Jackson, in the county of Hinds.

SECT. 34. *Be it further enacted,* That there shall be annually appointed by the board of directors of the mother bank, to administer the affairs of said office of discount and deposite, nine directors, citizens of the State, residing and domiciliated within the counties for which said offices shall be established, five of whom shall constitute a quorum to transact business; and said directors shall choose from among themselves a president, and shall be subject to all such regulations and rules as may be adopted by the said board of directors of the mother bank, for the government of said offices, not inconsistent with the provisions of this charter.

SECT. 35. *Be it further enacted,* That there shall be appointed for each of the aforesaid offices of discount and deposite, a cashier, teller, and clerk, and other officers or ser-

wants that may be required, all of whom shall enter into bond for the faithful discharge of their duties; the amount and conditions of which said bond shall be specified and provided for by the said directors of the mother bank; and the said directors of the mother bank may remove, at their pleasure, any officers in said offices of discount and deposite, whenever the better management of the bank may require such a removal.

SECT. 36. *Be it further enacted,* That the directors of said offices of discount and deposite, shall appropriate two-thirds of the capital of each office, to loan on mortgage, and one-third to loan on promissary notes and bills of exchange, as far as practicable, and the nature of the applications will enable them so to do; and the board of directors of said offices of discount and deposite may loan or discount upon notes secured by mortgage.

SECT. 37. *Be it further enacted,* That persons borrowing on mortgage, shall be allowed at the end of twelve months to renew their bonds or notes for twelve months longer, during the space of eight years from the date of their respective loans or discounts: *Provided,* That they pay and reimburse at the time of each renewal, one-eighth of the whole sum originally loaned or discounted to them, as well as the interest upon the sum for which their said bonds shall be thus renewed; so that at the expiration of eight years, the whole sum originally loaned or discounted to them, together with the interest thereon, be entirely paid and extinguished: *And, provided also,* that loans made on mortgages after the twelfth year of the charter, after being paid and fully reimbursed, similar loans may again be made and renewable, and payable in the same manner as herein before mentioned.

SECT. 38. *Be it further enacted,* That the loans to be made by said Union Bank, shall be at a rate of interest not exceeding seven per cent on mortgages or bonds and promissary notes, payable at a term of more than six months; and not more than six per cent on notes or bonds renewable at six months, or at a shorter time; nor shall said bank deal in exchange, domestic or foreign, at a higher rate than six per cent per annum discount on six months' bills, or a shorter term; and seven per cent on bills at a longer term.

SECT. 39. *Be it further enacted,* That when either of the said offices of discount and deposite, shall not yield on any one year, except the two first years from the commencement of the operation, a nett interest of six per cent per annum upon the capital invested therein, the directors of the

mother bank shall then remove said office to any other place in the same district, which, to them may seem proper, or withdraw the same, as they may deem advisable.

SECT. 40. *Be it further enacted*, That in case any of the branches of the Mississippi Union Bank should be withdrawn, in consequence of a failure to realize the required interest, then a sum equal to the capital of said branch shall be loaned by the parent bank, as provided for, exclusively to the citizens of those counties for which said bank was established.

SECT. 41. *Be it further enacted*, That the said offices of discount and deposit, may lend money to the citizens of any other county, not enumerated in the district for which said branch was established, when there are not sufficient applications for the counties for which said offices are established.

SECT. 42. *Be it further enacted*, That the four last years of the time allowed for the continuance of this charter, shall be exclusively employed in winding up the affairs of the institution, and that no new loans or discounts shall be given or allowed during the said last four years of the charter.

SECT. 43. *Be it further enacted*, That the State shall be divided into eight banking districts, in seven of which said districts there shall be established a branch of said bank, with the capital before provided for to each, for the purpose of affording banking facilities to the citizens of those counties that compose said districts; the mother bank shall be required to do the additional business of one district.

SECT. 44. *Be it further enacted*, That after the sale of the bonds for raising the capital of said Union Bank herein before provided for, and after the realizing the proceeds of said sale on said bonds, it shall be the duty of the board of directors of said bank to refund and pay over to the subscribers to the capital stock of said bank, the amount paid by them in cash on the said stock, as required in the eleventh section of this act, with interest at the rate of five per cent per annum; said refunding to take place, and be made as follows: one-third in thirty days; one-third in sixty days, and one-third in ninety days after the said time herein above recited and provided for.

SECT. 45. *Be it further enacted*, That the board of directors of said Union Bank, are hereby authorized and empowered, to fix such salary or compensation as they may deem necessary and proper, for the commissioners appointed by the thirteenth section of this act, and to pay the same out of the funds of said bank.

SECT. 46. *Be it further enacted,* That when the said Union Bank shall have gone into operation, as provided for in the twelfth section of this act, the said bank shall not be required to loan on mortgages or stock, until the bonds specified in the fifth section of this act, shall have been sold, and the proceeds of sale be realized by said bank: but the said bank may loan, deal in exchange, discount, and take such securities as they shall deem proper, and on such time as the board of directors of said bank may prescribe: *Provided, however,* That the loans so to be made, shall be at the same rate of interest as prescribed in the thirty-eighth section of this act: *And, provided further,* That said loans may be made to any citizens of the State.

SECT. 47. *Be it further enacted,* That the fifth section of this act, whereby the faith of this State is pledged for the payment and redemption of the loan contemplated by this act, be referred to the next Legislature of this State, in pursuance of the ninth section of the seventh article of the constitution; and that this act be published, under the direction of the Governor, in at least three newspapers of this State, for three months previous to the next regular election; and that this act, together with the yeas and nays thereon, be entered on the journals of the Senate and House of Representatives.

JNO. L. IRWIN,

Speaker of the House of Representatives.

A. G. McNUTT,

President of the Senate.

Approved, so far as the action of this Legislature is recognized—January 21st, 1837.

CHARLES LYNCH.

Mr. Toomer, from the joint committee on enrolled bills, reported that they had examined a bill to be entitled "An act to take the census of the State of Mississippi, for the year 1837;" and

A resolution in favor of Hugh Harrison,
And had found the same duly enrolled.

Mr. Winchester presented the following protest of himself and others;

Which was read, and ordered to be spread on the journals.

The undersigned Senators, who dissent to the act of the majority, in concurring in acts of legislation with the body assembled as the House of Representatives, as that body is

at this time organized, beg leave to enter upon the journals of the Senate the following Protest:

By the 8th, 9th and 10th sections of the third article of the constitution, the entire power is given to the Legislature to fix and apportion the whole number of Representatives and Senators upon the basis of the whole number of free white inhabitants in the State. The Legislature is expressly directed to take the enumeration, fix the whole number, and make the apportionment not oftener than once in four years, and so that the number of members in the House shall never exceed 100, and the number of Senators shall never be less than one-fourth of the number of Representatives; and with a proviso, that each county shall always be entitled to at least one Representative.

Pursuant to this power, and the directions of the constitution, the Legislature in December, 1833, by an apportionment law, fixed the whole number of Representatives for the ensuing four years, at sixty-four; and the whole number of Senators at twenty; and apportioned them among all the counties and senatorial districts then existing in the State, according to the number of their respective free white inhabitants, giving to each county at least one Representative.

It appears by the journals of the House of Representatives, (a public record,) that at the commencement of the present session of the Legislature, the House was organized and composed of the sixty-four members, fixed and apportioned by the apportionment law of 1833. This law has never been altered or repealed.

But since the commencement of the present session, twelve new counties have been created by an act of the Legislature; and it now appears by the journals of the House, that ten persons have been admitted and sworn in as members of that body, from ten of the new counties, by the act of the House of Representatives alone.

Instead of sixty-four members, that body, by its records, appears to be organized and composed of seventy-four members; ten of whom are from counties not embraced in any apportionment law.

The act of the House of Representatives in thus admitting these ten new members into its body, since the commencement of the present session of the Legislature, is in the opinion of the undersigned, unauthorized by the constitution and contrary to law, and cannot confer the office or capacity of members upon the ten persons so admitted, by any power,

legislative or judicial, vested in the House of Representatives by the Constitution.

We, therefore, believe their admission as members has destroyed the constitutional organization of that body, and that it is not now the House of Representatives, which, with the Senate, constitute the Legislature of the State of Mississippi, to which the legislative powers of the State are intrusted.

We, therefore, most solemnly protest against the concurrence of the Senate, with the body now assembled as the House of Representatives, in any legislative action, while it remains in its present disorganized state.

GEORGE WINCHESTER,
THOS. P. FALCONER,
JOHN CAMERON,
JAS. McRAVAN,
HANSON ALSBURY,
A. T. MODRE.

And then the Senate adjourned.

THURSDAY, JANUARY 19, 1837.

On motion of Mr. Sharpe,

Leave of absence was granted to Mr. M'Raven, during his present indisposition.

Mr. Bole, by leave of the Senate, introduced "An act to amend the charter of the Planters' Bank of the State of Mississippi;"

Which was read the first time.

Mr. Bole offered the following resolution:

Resolved, That the Secretary of the Senate be instructed to have printed, for the use of the Senate, five hundred copies of the bill to be entitled "An act to incorporate the Mississippi Union Bank;"

Which was adopted.

A message from the House of Representatives, by Mr. Price, their Clerk.

MR. PRESIDENT:—The Speaker of the House of Representatives has signed a bill of the following title, to wit: "An act to take the census of the State of Mississippi, for the year 1837;" and "A resolution in favor of Hugh Harrison;"

Which I am instructed to present to the Senate for the signature of the President.

The President signed said bill and resolution.

The bill from the House of Representatives, to be entitled "An act for the permanent location of the seat of justice of the county of Ponola;"

Was read the first time.

A message from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT: I am instructed to inform the Senate that leave has been granted for the introduction of bills of the following titles, into the House of Representatives, to wit:

A bill to be entitled "An act to amend the second section of an act entitled an act to incorporate the town of Westville, in the county of Simpson, passed February 6, 1836;"

A bill to be entitled "An act to authorize the reprinting of certain laws;"

A bill to be entitled "An act to incorporate the town of Pontotoc, and for other purposes;"

A bill to be entitled "An act to amend an act to incorporate the town of Benton, Yazoo county, approved 26th February, 1836;"

A bill to be entitled "An act to amend an act entitled an act to prescribe the method of proceeding against overseers on roads, approved February 27th, 1836;"

A bill to be entitled "An act in relation to the incorporation of the Yocnapatofa Turnpike and Bridge Company, in Lafayette county;"

A bill to be entitled "An act to incorporate the Columbus Insurance Company, and for other purposes;"

A bill to be be entitled "An act to amend an act entitled an act to incorporate a Rail Road Company, to be styled the Yazoo Rail Road Company, approved February 27th, 1836;"

A bill to be entitled "An act to amend an act to incorporate the Tallahatchie Turnpike and Bridge Company, approved 27th February, 1836;"

A bill to be entitled "An act to prohibit the introduction of Slaves as Merchandize, or for sale;"

A bill to be entitled "An act to extend the powers of the Police Courts, in certain cases therein named;"

A bill to be entitled "An act to incorporate the Port Gibson Insurance Company;"

A bill to be entitled "An act to incorporate the Hernando Rail Road and Banking Company;"

A bill to be entitled "An act to amend an act for the distribution of the Literary Fund among the several counties of this State, and for other purposes, approved March 2d, 1833;"

A bill to be entitled "An act to define the boundary line between Tunica and Ponola counties;"

A bill to be entitled "An act to incorporate the town of Brandon, and to repeal the act heretofore passed, incorporating said town;"

A bill to be entitled "An act to authorize the Gainsville and Narkeeta Rail Road Company, to extend a branch of said road from the State line to Macon, in the county of Noxubee, in this State, and to incorporate the Gainsville and Narkeeta Rail Road Bank;"

A bill to be entitled "An act to amend an act to incorporate the Commercial Bank of Manchester;"

A bill to be entitled "An act supplementary to an act to incorporate the Monticello Academy;"

A bill to be entitled "An act to appoint commissioners to record and make deeds to town lots in the town of Liberty, Amite county;"

A bill to be entitled "An act to incorporate the Benton and Manchester Rail Road and Banking Company;"

A bill to be entitled "An act to make certain appropriations therein named;"

A bill to be entitled "An act to incorporate the Hernando Male and Female Academy, in the county of De Soto;"

A bill to be entitled "An act to incorporate the town of Carthage, and for other purposes;"

A bill to be entitled "An act supplementary to an act entitled an act to appropriate the three per cent fund to the construction and repairing of canals within this State;"

A bill to be entitled "An act to incorporate the town of Paulding, in Jasper county;"

A bill to be entitled "An act to amend the laws in force relative to the duties and compensation of sheriffs;"

A bill to be entitled "An act to amend act entitled an act to establish the Court of Chancery;"

A bill to be entitled "An act to authorize the Board of Police of Choctaw county, to levy a special tax;"

A bill to be entitled "An act to incorporate the town of Sharon, in the county of Madison, and for other purposes;"

A bill to be entitled "An act to incorporate Sharon College and Sharon Female Academy, in Madison county;"

A bill to be entitled "An act to amend an act incorporating the town of Tchula, in Holmes county;"

The bill to be entitled "An act for the benefit of the heirs of Sarah D. Terry, deceased;"

Was read the second time.

On motion of Mr. Van Norman,

Said bill was committed to a committee of the whole, and made the order of the day for to-morrow.

The bill to be entitled "An act to provide for the reprinting and publishing certain laws of this State;"

Was read the second time.

On motion of Mr. Cocke,

Said bill was committed to a committee of the whole, and made the special order of the day for 3 o'clock, P. M., on this day.

Mr. Van Norman called for the consideration of the bills of the following titles, viz:

"An act to incorporate the Bank of Port Gibson;" and

"An act to incorporate the Bank of Vicksburg;"

And the call being sustained,

On motion of Mr. Cocke,

Said bills were severally committed to a committee of the whole, and made the order of the day for to-morrow.

Mr. Van Norman called for the consideration of the appeal taken by him from the decision of the Chair, pronouncing the resolution submitted by himself, on a former day, in relation to the election of a committee of free conference on the bill to be entitled "An act to authorize the New Orleans and Nashville Rail Road Company, to extend their contemplated Rail Road through the State of Mississippi," out of order;

And the call being sustained,

On motion of Mr. Van Norman,

Ordered, That there be a call of the Senate.

The call being made, the absent Senators were sent for; But before they appeared,

On motion of Mr. Van Norman,

The call was suspended.

On motion of Mr. Moore,

Mr. Alsbury had leave of absence until to-morrow morning.

The Senate then proceeded to consider the appeal of Mr. Van Norman.

The following messages were received from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a bill of the following title, to wit:

"An act to incorporate the members and stockholders of the Citizens' Bridge of Yelobusha;"

In which I am instructed to desire the concurrence of the Senate.

MR. PRESIDENT:—The House of Representatives have passed a bill of the following title, to wit:

“An act in relation to the powers of the Boards of Police on Roads, &c.;”

In which I am instructed to desire the concurrence of the Senate.

On motion of Mr. Sharpe,
The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The number of members present not being sufficient to constitute a quorum,

On motion of Mr. Van Norman,

Ordered, That the absent members be sent for.

A quorum having appeared, the following message was received from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT:—The House of Representatives have instructed me to inform the Senate that they have concurred in the following joint resolution passed by the Senate, to wit:

Resolved, With the concurrence of the House of Representatives, that the Legislature adjourn on Saturday the 21st instant, until the second Monday in May next.

The bill to be entitled “An act to provide for the reprinting and publishing of certain laws of this State,” being the special order for committee of the whole at this hour,

On motion of Mr. Eole,

The consideration of said bill was postponed for one hour; and

The Senate resumed the consideration of the appeal of Mr. Van Norman;

And the question being put, “Shall the decision of the Chair stand?”

It was decided in the negative by ayes and noes, as follows, to wit:

Ayes.—Mr. President, Messrs. Cameron, Falconer, Maury, Moore, Toomer, Winchester—7.

Noes.—Messrs. Bole, Cocke, Granberry, Haley, Hargis, Love, McRaven, Runnels, Sharpe, Van Norman—10.

So the decision of the Chair was not sustained,

Said resolution was then read, as follows:

Resolved, That the Senate proceed to elect by ballot a committee of free conference, to consist of members,

to confer with such committee as may be raised by the House of Representatives, with a view of settling the difference existing between the two houses, in relation to the charter of the New Orleans and Nashville Railroad Company.

On motion of Mr. Van Norman,

The blank was filled with the number "three;" and

The resolution as amended, was adopted.

The President then appointed Messrs. Bole and Sharpe, tellers; and the Senate proceeded to ballot for said committee, when it appeared that Messrs. Van Norman, Haley and Cocke, were elected.

The Senate then, according to order, resolved itself into committee of the whole, on the bill to be entitled "An act to provide for the reprinting and publishing certain laws of this State," Mr. Van Norman in the Chair, and after some time spent therein, the committee rose, and Mr. Van Norman reported that they had had said bill under consideration, had made some progress therein, and had instructed him to report progress, and ask leave to sit again.

On motion of Mr. Van Norman,

Ordered, That there be a call of the Senate.

The call being made,

On motion of Mr. Van Norman,

The report of the committee of the whole was received and agreed to.

The Senate then, on motion of Mr. Van Norman, again resolved itself into a committee of the whole, on said bill, Mr. Van Norman in the Chair, and after some time spent therein, the committee rose, and Mr. Van Norman reported that they had had said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Van Norman,

Said report was received and agreed to.

The amendments reported were then adopted; and

On motion of Mr. Toomer,

Ordered, That said bill be engrossed and made the special order of the day for its third reading, at 10 o'clock on to-morrow.

Mr. Sharpe moved that the Senate do now adjourn;

And the question being taken thereon,

It was decided in the negative.

A message from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT:—The House of Representatives have

passed a preamble and resolutions, relative to the boundary line between Mississippi and Tennessee;

In which I am instructed to desire the concurrence of the Senate.

Mr. Haley called for the consideration of the bill from the House of Representatives, to be entitled "An act in relation to the powers of the Boards of Police on Roads, &c.;"

And the call being sustained,

Said bill was read the first time; and

On motion of Mr. Haley,

The rule was dispensed with, and said bill was read a second time forthwith, by its title; and

On motion of Mr. Bole,

The Senate resolved itself into committee of the whole on said bill, Mr. Granberry in the Chair, and after some time spent therein, the committee rose, and Mr. Granberry reported that they had had said bill under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Granberry,

Said report was received and agreed to.

On motion of Mr. Cocke,

Said bill was committed to a select committee of three.

The President appointed Messrs. Cocke, Haley and Maury, said committee.

And then the Senate adjourned.

FRIDAY, JANUARY 20, 1837.

Mr. Toomer, from the joint committee on enrolled bills, reported that they had on this day, presented to his Excellency the Governor, for his approval and signature, bills and resolutions, of the following titles, to wit:

An act to incorporate a bridge across the Big Black river and a turnpike road across the swamp thereof;

A resolution in favor of Hugh Harrison;

An act to take the census of the State of Mississippi, for the year 1837;

An act to incorporate the Trustees of Lane Academy in the city of Vicksburg, in the State of Mississippi;

An act further to amend an act to incorporate the Commercial and Rail Road Bank of Vicksburg;

An act to organize the county of Perry.

Mr. Bole, from the select committee to whom was referred the bill to be entitled "An act supplementary to an act

entitled an act to establish the Agricultural Bank of Mississippi," reported that they had had said bill under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Bole,
Said report was received and agreed to.

On motion of Mr. Bole,
Said bill was laid on the table.

The bill to be entitled "An act to provide for the reprinting and publishing certain laws of this State;"

Was read the third time.

And the question being put, "Shall this bill pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

The bill to be entitled "An act to incorporate the members and Stockholders of the Bridge of Yalobusha,"

Was read the first time.

Mr. Cocke moved that the rule be dispensed with, and that said bill be read a second time forthwith by its title.

And the question being taken thereon,

It was decided in the negative.

The preamble and resolutions from the House of Representatives, in relation to the boundary line between Mississippi and Tennessee,

Were read the first time.

On motion of Mr. Runnels,

The rule was dispensed with, and said preamble and resolutions were read the second time by their title.

On motion of Mr. Cocke,

Said preamble and resolutions were committed to a committee of the whole, and made the special order of the day for 3 o'clock this day.

The bill from the House of Representatives to be entitled "An act to provide for the permanent location of the seat of Justice of the county of Ponola," being in order for its second reading.

Mr. Cocke moved that the rule be dispensed with, and said bill read a second time by its title;

And the question being taken thereon,

It was decided in the negative.

Said bill was then read the second time.

Mr. Hargis moved that said bill be indefinitely postponed;

And before said question was decided,

The President communicated to the Senate, a letter from Samuel McCall, one of the board of police of Ponola county, praying that he might be admitted to appear before the Senate, and speak on the bill now under consideration ;

And thereupon,

Mr. Maury moved that said Samuel McCall, and also the Representative from the county of Ponola, be permitted to give evidence before the Senate, on said bill;

And the question being taken thereon,

It was decided in the negative.

The question then recurring on the motion to postpone said bill indefinitely ;

It was decided in the negative.

On motion of Mr. Cocke,

Said bill was referred to a select committee of three.

The President appointed Messrs. Cocke, Bole and Toomer, said committee.

A message from the House of Representatives, by Mr. Price, their Clerk :

MR. PRESIDENT—The House of Representatives, have passed a bill of the following title, to wit:

An act to authorize the reprinting of certain laws; in which I am instructed to desire the concurrence of the Senate.

Mr. Cocke, from the select committee to whom was referred the bill to be entitled "An act in relation to the powers of boards of Police on Roads, &c.," reported that they had had said bill under consideration, and had instructed him to report the same with sundry amendments.

On motion of Mr. Cocke,

Said report was received and agreed to.

On motion of Mr. Cocke,

The amendments were adopted, and

On motion of Mr. Haley,

Ordered, That the amendments be engrossed, and that said bill with its amendments, be made the special order of the day for 4 o'clock this day.

Mr. Haley offered the following resolution :

Resolved, That the Secretary of the Senate, be requested to have copies of an act to be entitled "An act to take the census of the State of Mississippi for the year 1837," printed forthwith for the use of the Senate.

On motion of Mr. Haley,

The blank was filled with the words "five hundred," and The resolution as amended was adopted.

The following messages were received from the House of Representatives, by Mr. Price, their Clerk :

MR. PRESIDENT—I am instructed by the House of Representatives to inform the Senate, that they have elected Messrs. Farrar, Wall, Brown, Fulton and Dunlap, as a com-

mittee of free conference on the part of the House, to act with the committee on the part of the Senate, raised with the view of settling the differences existing between the two Houses in relation to the Nashville and New Orleans Rail Road Company.

MR. PRESIDENT—The House of Representatives have concurred in the bill passed by the Senate, to be entitled “An act to provide for the reprinting and publishing certain laws of this State;”

They have also adopted a preamble and resolution in relation to the election of President and Vice President of the United States. In which I am instructed to desire the concurrence of the Senate.

The Senate then resolved itself into committee of the whole, on the bill to be entitled “An act to incorporate the Bank of Port Gibson,” Mr. Toomer in the Chair; and after some time spent therein, the committee rose, and Mr. Toomer, reported that they had had said bill under consideration, and made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Toomer,
Said report was received and agreed to.

On motion of Mr. Van Norman,
Ordered, That there be a call of the Senate;
The call being made,

On motion of Mr. Van Norman,
The further call was dispensed with.

On motion of Mr. Toomer,
The amendments were adopted.

On motion of Mr. Maury,
Ordered, That the bill with its amendments be engrossed, and made the order of the day for its third reading on to-morrow.

Mr. Van Norman, by leave of the Senate, introduced a bill to be entitled “An act to amend an act entitled an act to incorporate the Mississippi Rail Road Company.”

On motion of Mr. Sharpe,
The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Cocke, by leave of the Senate, reported that the select committee to whom was referred the bill to be entitled “An act for the permanent location of the seat of justice for the county of Ponola,” had had said bill under consideration, and had instructed him to report the same

With sundry amendments thereto.

On motion of Mr. Cocke,

Said report was received and agreed to.

On motion of Mr. Cocke,

Said amendments were adopted.

On motion of Mr. Cocke,

Said amendments were considered as engrossed, and said bill with its amendments made the order of the day for third reading at ten o'clock to-morrow.

Mr. Cocke, from the committee of free conference, appointed on the part of the Senate, to confer with a similar committee on the part of the House of Representatives, on the subject matter of difference between the two Houses, in relation to the charter of the New Orleans and Nashville Rail Road, reported that they had instructed him to report that the said committees have conferred freely on said subject, and have unanimously agreed to recommend to the House of Representatives to recede from their adherence to the disagreement to the third amendment made by the Senate to said bill, and that the House of Representatives concur in said third amendment.

On motion of Mr. Cocke,

Said report was received.

Mr. Cocke moved that said report be agreed to;

And the question being taken thereon,

It was decided in the affirmative by ayes and noes, as follows:

Ayes—Messrs. Buckner, Cocke, Granberry, Haley, Hargis, Love, McRaven, Runnels, Sharpe and Van Norman—10.

Noes—Mr. President, Messrs. Maury and Toomer—3.

So the report was agreed to.

The President laid before the Senate, the following communication from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }
Jackson, January 1837. }

SIR:—In pursuance of the 2d section of the amended charter of the Planters' Bank, approved February 10th, 1830, I hereby nominate as directors, on the part of the State for said bank, James C. Wilkins, Thomas Ellis, William B. Howell, David M. Porter, J. B. Morgan and G. W. Terrell. Which recommendation, through you, is respectfully submitted for the consideration and action of the Senate. I am Sir, very respectfully,

Your most ob't,

CHARLES LYNCH.

To the President of the Senate.

On motion of Mr. Buckner,

The special orders of the day for this hour were dispensed with, and the Senate proceeded to consider said communication forthwith.

Mr. McNutt moved that the Senate consider said nominations separately;

And the question being taken thereon,

It was decided in the affirmative.

Mr. Hargis moved, that the Senate do advise and consent to the nomination of James C. Wilkins;

And it was decided in the affirmative, by ayes and noes as follows :

Ayes—Mr. President, Messrs. Buckner, Cocke, Falconer, Granberry, Haley, Hargis, Love, Maury, McRaven, Moore, Runnels, Sharpe, Toomer and Winchester—15.

Noes—None.

The question was then put, "Will the Senate advise and consent to the nomination of Thomas Ellis?"

And decided in the affirmative, by ayes and noes, as follows :

Ayes—Messrs. Bole, Buckner, Cocke, Falconer, Granberry, Haley, Love, Maury, McRaven, Toomer and Winchester—11.

Noes—Mr. President, Messrs. Moore, Runnels and Sharpe—4.

The question was then put, "Will the Senate advise and consent to the nomination of William B. Howell?"

And decided in the negative, by ayes and noes, as follows :

Ayes—Messrs. Bole, Falconer, Moore and Toomer—4.

Noes—Mr. President, Messrs. Buckner, Cocke, Granberry, Haley, Hargis, Love, Maury, McRaven and Toomer—10.

The question was then put, "Will the Senate advise and consent to the nomination of David M. Porter?"

And was decided in the affirmative, by ayes and noes, as follows :

Ayes—Mr. President, Messrs. Bole, Buckner, Cocke, Granberry, Haley, Hargis, Love, Maury, McRaven, Runnels, Sharpe and Toomer—13.

Noes—None.

The question was then put, "Will the Senate advise and consent to the nomination of J. B. Morgan?"

And was decided in the affirmative, by ayes and noes, as follows :

Ayes—Mr. President, Messrs. Bole, Buckner, Cocke.

Granberry, Haley, Hargis, Love, Maury, McRaven, Runnels, Sharpe and Toomer—13.

Noes—None.

The question was then put, "Will the Senate advise and consent to the nomination of G. W. Terrell?"

And decided in the negative, by ayes and noes, as follows :

Ayes—Messrs. Haley, Hargis, Maury and Toomer—4.

Noes—Mr. President, Messrs. Bole, Buckner, Cocke, Granberry, Love, McRaven, Runnels and Sharpe—9.

A message from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT—The Speaker of the House of Representatives has signed the bill entitled "An act to incorporate the subscribers to the Mississippi Union Bank," which I am instructed to present the Senate for the signature of the President.

They have also passed a bill, to be entitled "An act to incorporate the Northern Bank of Mississippi, and for other purposes;" in which I am instructed to desire the concurrence of the Senate.

I am also instructed to inform the Senate, that the House of Representatives have received and agreed to the report from the committee raised on the part of the House to confer with the committee of the Senate, on the subject of the Nashville and New Orleans Rail Road Company; and have also concurred in the third amendment made by the Senate, to said bill.

Mr. Bole, from the committee on enrolled bills, reported that they had on this day examined a bill of the following title, to wit:

"An act to incorporate the subscribers to the Mississippi Union Bank;" and had found the same correctly enrolled;

And then, on motion of Mr. Haley,

The Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate, according to order, resolved itself into committee of the whole on the preamble and resolutions in relation to the boundary line between Mississippi and Tennessee, Mr. Haley in the Chair; and after some time spent therein, the committee rose, and Mr. Haley reported that they had had said preamble and resolutions under consideration, had made sundry amendments thereto, and had instructed him to report the same as amended.

On motion of Mr. Haley,
Said report was received and agreed to.

On motion of Mr. Runnels,
Said preamble and resolutions were referred to a select committee of three.

The President appointed Messrs. Runnels, Cocke and Maury, said committee.

Mr. Bole, from the joint committee on enrolled bills, reported that they had this day, presented to the Governor, for his consideration and signature, a bill of the following title, to wit:

An act to incorporate the subscribers to the Mississippi Union Bank.

Mr. Toomer, from the joint committee on enrolled bills, reported that they had examined a bill entitled "An act to provide for the reprinting and publishing certain laws of this State," and had found the same correctly enrolled.

A message from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT—The House of Representatives, have passed a bill of the following title, to wit:

A bill to be entitled an act to incorporate the Yazoo Grays, Warren Invincibles, Vicksburg Volunteers, Raymond Fencibles and Capitol Guards. In which I am instructed to desire the concurrence of the Senate.

The Speaker of the House of Representatives has signed a bill to be entitled "An act for the reprinting and publishing certain laws of this State;"

Which I am instructed to present the Senate for the signature of the President.

The President signed said bill.

Mr. Buckner moved, that the orders of the day be dispensed with, and that the bill named in said message be considered,

And the question being taken thereon,
It was decided in the negative.

The bill from the House of Representatives, to be entitled "An act relative to the powers of boards of county Police on Roads, &c;"

Was read the third time with the amendments thereto.

Mr. Buckner offered the following amendment, by way of ryder:

Be it further enacted, That the provisions of this act, shall not extend to the counties of Hinds, Warren, Washington, Bolivar, Koahoma or Tunica.

Mr. Love moved that said ryder be rejected.

And the question being taken thereon,
It was decided by ayes and noes, as follows :

Ayes.—Messrs. Love, Maury and Sharpe—3.

Noes.—Mr. President, Messrs. Alsbury, Buckner, Cocke, Granberry, Haley, Runnels and Van Norman—8.

So the Senate refused to reject the ryder.

Said ryder was then read a second and third time;

And question being put, "Shall this bill as amended pass?"

It was decided in the negative, by ayes and noes, as follows :

Ayes.—Messrs. Cocke, Haley, Love and Van Norman—4.

Noes.—Mr. President, Messrs. Alsbury, Buckner, Granberry, Maury, Runnels and Sharpe—7.

So the bill was lost.

The bill to be entitled "An act to incorporate the Bank of Vicksburg," being in order for committee of the whole;

On motion of Mr. Alsbury,

The committee of the whole were discharged from the further consideration of said bill.

Mr. Alsbury moved that said bill lie on the table.

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Van Norman,

The rule was dispensed with, and said bill read a third time by its title.

And the question being put, "Shall this bill pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

The Senate, according to order, resolved itself into committee of the whole, on the bill to be entitled "An act for the benefit of the heirs of Sarah D. Terry, deceased," Mr. Cocke in the Chair; and after some time spent therein, the committee rose, and Mr. Cocke reported that they had had said bill under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Cocke,

Said report was received and agreed to.

On motion of Mr. Van Norman,

The rule was dispensed with,

And said bill was read a third time by its title.

And the question being put, "Shall this bill pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

The bill to be entitled "An act to amend the charter of

the Planters' Bank of Mississippi," being in order for second reading;

On motion of Mr. Van Norman,

Said bill was laid on the table.

The bill from the House of Representatives, to be entitled "An act to incorporate the Yazoo Grays, Warren Invincibles, Vicksburg Volunteers, Raymond Fencibles and Capitol Guards,

Was read the first time.

On motion of Mr. Sharpe,

The rule was dispensed with, and said bill was read a second time by its title.

On motion of Mr. Buckner,

The rule was further dispensed with; and

Said bill was read a third time by its title.

And the question being put, "Shall this bill pass?"

It was decided in the affirmative.

Ordered, That the title be as stated.

On motion of Mr. Runnels,

The Senate adjourned.

SATURDAY, JANUARY 21, 1837.

Mr. Van Norman asked and obtained leave to enter his name among the ayes on the vote taken on yesterday, in relation to the report of the committee of conference, on the New Orleans and Nashville Rail Road Company.

Mr. Cocke, from the select committee, to whom was referred the preamble and resolutions, from the House of Representatives, in relation to the boundary line between Mississippi and Tennessee, reported that they had had said preamble and resolutions under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Cocke,

Said report was received and agreed to.

The amendment reported by the committee of the whole on yesterday, was then adopted;

And the question being put, "Shall the preamble and resolutions as amended pass?"

It was decided in the affirmative.

Ordered, That the title be as stated.

Mr. Cocke, by leave, introduced a resolution in relation to the lands belonging to the State, in and near the town of Jackson;

Which was read the first time.

Mr. Cocke moved that the rule be dispensed with, and said resolution be read a second time forthwith;

And the question being taken thereon,

It was decided in the negative.

Mr. Winchester offered the following protest of himself and others; which, by leave of the Senate, was ordered to be spread upon the journals:

The undersigned, a minority of the Senate, beg leave to enter upon the journals of the Senate, their protest to the acts of the majority, in overruling the decision of the President, "that a resolution offered to raise a committee of free conference upon the disagreement of the two Houses, on the subject of the New Orleans and Nashville Rail Road Charter," is out of order, and to their further act in raising such a committee.

It appears by the journals of the Senate, that an amendment was made in the Senate, after the bill had passed the House of Representatives, and that the House disagree to the amendment; that the Senate insisted on the amendment, and the House insisted on their disagreement.

A committee of free conference was appointed, and the committee on the part of the Senate reported propositions made, and rejected by the committee on the part of the House.

This report was received by the Senate, and agreed to by the vote of a majority; after which, the Senate were notified by the House of their adherence to their disagreement.

Here then was the report of a committee of free conference in the Senate, reporting the disagreement of the two Houses, agreed to in the Senate, and afterwards a notification from the House of its adherence to its disagreement. By the rules of parliamentary proceedings, and according to the usages of legislative bodies from times immemorial, the matter was disposed of by both Houses, by a final disagreement between them.

These rules and usages are public laws. We believe that the instance has never before happened in any legislative body, where, after a final vote of disagreement in both Houses, a committee of conference was ever raised as in this case.

We, therefore, protest against it as an open, palpable, and manifest violation of the public law of the land, for the government of legislative proceedings, which no measure of expediency can ever justify.

GEORGE WINCHESTER,
THOS. P. FALCONER,
A. T. MOORE,
B. TOOMER,
JAS. H. MAURY,
HANSON ALSBURY.

The President laid before the Senate the following communication from his Excellency the Governor.

EXECUTIVE DEPARTMENT,
JACKSON, *January 21, 1837.*

SIR—I am informed by the Secretary of the Senate that only four of the nominations for directors of the Planters' Bank, made on yesterday, have been confirmed by the Senate, and I respectfully, through you, submit for the consideration of that body, the names of the following gentlemen, from which I trust a suitable selection can be made: William Henderson, of Warren, George Lake, of Claiborne, Robert Cage, of Yazoo, S. S. Boyd, of Wilkinson, and A. M. Kergan, of Lawrence.

I am, sir,

With great respect,

Your most ob't,

CHARLES LYNCH.

To the Honorable, *The President of the Senate.*

Mr. McNutt moved, that the Senate advise and consent to the nomination of William Henderson;

And it was decided in the affirmative, by ayes and noes, as follows:

Ayes—Mr. President, Messrs. Alsbury, Buckner, Cocke, Falconer, Granberry, Haley, Love, Runnels, Toomer and Van Norman—11.

Noes—Messrs. Maury, Moore and Sharpe—3.

Mr. McNutt moved that the Senate do advise and consent to the nomination of S. S. Boyd;

And it was decided in the affirmative, by ayes and noes, as follows:

Ayes—Mr. President, Messrs. Alsbury, Cocke, Falconer, Granberry, Hargis, Love, Maury, Moore and Van Norman—10.

Noes—Messrs. Buckner, Haley, McRaven, Runnels, Sharpe and Toomer—6.

Mr. Cocke moved that the Senate reconsider the vote given, on advising and consenting to the nomination of William Henderson;

And the question being taken thereon, it was decided by ayes and noes, as follows:

Ayes—Messrs. Cocke, Haley, Maury, Runnels, Sharpe and Van Norman—6.

Noes—Mr. President, Messrs. Alsbury, Buckner, Falconer, Granberry, Hargis, Love and Toomer—8.

So the Senate refused to reconsider said vote.

A message from the House of Representatives, by Mr. Price, their clerk:

MR. PRESIDENT—The House of Representatives have passed a bill of the following title, to wit:

A bill to be entitled An act to amend an act entitled an act to incorporate the town of Benton, Yazoo county;

In which I am instructed to desire the concurrence of the Senate.

They have also passed the bill from the Senate, entitled An act for the benefit of the heirs of Sarah D. Terry, deceased.

They have also concurred in the amendment made by the Senate, to the preamble and resolution of the House, in relation to the boundary line between Mississippi and Tennessee.

The bill from the House of Representatives, to be entitled An act for the permanent location of the county seat of the county of Ponola;

Was read the third time;

And the question being put, "Shall this bill pass?"

It was decided in the negative by ayes and noes, as follows:

Ayes—Messrs. Cocke, Love and Van Norman—3.

Noes—Mr. President, Messrs. Buckner, Haley, Hargis, Maury, Runnels, Sharpe and Toomer—8.

So the bill was lost.

Mr. Van Norman moved that the Senate adjourn until 3 o'clock, P. M.

And the question being taken thereon,

It was decided in the negative.

A message from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT—The House of Representatives have passed a bill of the following title:

A bill to be entitled An act to incorporate the Citizens' Bank of Madison county.

They have also adopted the following joint resolution:

Resolved by the Legislature of the State of Mississippi, That B. W. Benson, Secretary of State, have leave of absence from the city of Jackson, until the first Monday in May next: *Provided*, he employ some suitable and responsible person, to perform the duties of his office during his absence.

In which I am instructed to desire the concurrence of the Senate.

The bill from the House of Representatives, to be enti-

tled An act to incorporate the members and stockholders of the Citizens' Bridge of Yalobusha;

Was read the second time.

On motion of Mr. Cocke,

The rule was dispensed with, and said bill was read a third time by its title;

And the question being put, "Shall this bill pass?"

It was decided in the affirmative.

Ordered, That the title thereof be as stated.

The President laid before the Senate the following letter from John M. Sharpe, Esq., which, on motion of Mr. Haley, was ordered to be spread on the journals:

JACKSON, Jan. 21, 1837.

Honorable ALEXANDER McNUTT,

President of the Senate:

SIR—Considerations interesting to myself alone, have induced me to resign the seat I have been honored with in that branch of the Legislature over which you preside. You will, therefore, please consider my seat vacated from and after this day.

Respectfully yours,

JOHN M. SHARPE.

On motion of Mr. Cocke,

Mr. Love was added to the joint committee on enrolled bills.

The resolutions from the House of Representatives, in relation to the election of President and Vice President;

Were read the first time.

On motion of Mr. Buckner,

Said resolutions were laid on the table.

The bill from the House of Representatives, to be entitled An act to authorize the reprinting of certain laws,

Being in order for first reading;

On motion of Mr. Buckner,

Said bill was laid on the table.

The bill from the House of Representatives to be entitled An act to incorporate the Northern Bank of Mississippi, and for other purposes;

Being in order for first reading,

Mr. Toomer moved that said bill lie on the table;

And the question being taken thereon,

It was decided in the negative.

On motion of Mr. Love,

Ordered, That there be a call of the Senate.

The call being made, the absent Senators were sent for;

Who having appeared,

Mr. Love, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT—The joint committee on enrolled bills have this day examined bills of the following titles, to wit:

A bill to be entitled An act to authorize the New Orleans and Nashville Rail Road Company, to extend their contemplated Rail Road, through the State of Mississippi;

Also, a bill entitled An act for the benefit of the heirs of the late Sarah D. Terry, deceased; and have found the same correctly enrolled.

Mr. Runnels moved, that the committee to whom was referred the bill to be entitled An act regulating the Militia of this State, be called on to report;

And the question being taken thereon,

It was decided in the negative.

The bill from the House of Representatives, to be entitled An act to incorporate the Northern Bank of Mississippi, and for other purposes;

Was read the first time.

Mr. Haley moved that the rule be dispensed with, and said bill be read a second time by its title;

And the question being taken thereon,

It was decided in the negative.

The bill to be entitled An act to amend an act entitled an act to incorporate the Mississippi Rail Road Company, being in order for the first reading;

On motion of Mr. Haley,

Said bill was laid on the table.

Mr. Hargis, by leave, introduced a bill to be entitled An act to authorize Samuel R. McRae to sell a certain tract of land;

Which was read the first time.

The bill to be entitled An act to amend an act entitled an act to incorporate the town of Benton, in Yazoo county;

Was read the first time.

Mr. Sharpe moved that the rule be dispensed with, and said bill be read a second time by title.

On motion of Mr. Van Norman,

The Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The number of Senators present not being sufficient to constitute a quorum,

The absent members were sent for.

Mr. Runnels called for the consideration of the bill to be entitled An act to regulate the Militia of this State;

But the Senate refused to sustain the call.

The Senate proceeded to consider the motion of Mr. Sharpe, before the adjournment, to dispense with the rule on the bill to be entitled An act to amend an act to incorporate the town of Benton, in Yazoo county;

And the question being taken thereon,

It was decided in the negative.

The bill from the House of Representatives, to be entitled An act to incorporate the Citizens' Bank of Madison County,

Being in order for the first reading;

On motion of Mr. Haley,

The rule was dispensed with, and said bill was read the first time by its title.

A message from the House of Representatives, by Mr. Price, their clerk:

MR. PRESIDENT—The Speaker of the House of Representatives has signed a bill of the following title, to wit:

An act to authorize the New Orleans and Nashville Rail Road Company, to extend their contemplated road through the State of Mississippi;

Which I am instructed to present the Senate for the signature of the President;

Also, An act for the benefit of the heirs of the late Sarah D. Terry, deceased.

The President signed said bills.

The resolution from the House of Representatives, in relation to B. W. Benson,

Was read the first time.

On motion of Mr. Maury;

Said resolution was laid on the table.

Mr. Maury being in the chair,

The following resolution was unanimously adopted:

Resolved, That the honorable A. G. McNutt, President of the Senate, has entitled himself to the thanks of the Senate for the efficient and impartial manner in which he has discharged the duties of his station.

Mr. Maury offered the following resolution:

Resolved, That a committee of three be appointed on the part of the Senate, to act jointly with such committee as may be appointed by the House of Representatives, to wait on his Excellency the Governor, and inform him that the two Houses have disposed of the business before them, and

are now ready to adjourn until the second Monday in May next, unless he may have some communication to make.

Mr. Love, from the joint committee on enrolled bills made the following report:

MR. PRESIDENT—The joint committee on enrolled bills, have, on this day, presented to his Excellency the Governor, for his approval and signature,

A bill to be entitled An act to authorize the New Orleans and Nashville Rail Road Company, to extend their contemplated Rail Road through the State of Mississippi;

Also, a bill to be entitled An act for the benefit of the heirs of the late Sarah D. Terry, deceased.

On motion of Mr. Hargis,

The Senate took a recess for twenty-five minutes.

A message from the House of Representatives, by Mr. Price, their Clerk:

MR. PRESIDENT—The House of Representatives has passed a bill of the following title, to wit:

A bill to be entitled An act to make certain appropriations therein named;

In which I am instructed to desire the concurrence of the Senate.

I am also instructed to inform the Senate that the Speaker of the House of Representatives has signed bills of the following titles, to wit:

A resolution in relation to the boundary line between the States of Tennessee and Mississippi; also,

An act to incorporate the Yazoo Grays, Warren Invincibles, Vicksburg Volunteers, Raymond Fencibles, and Capitol Guards;

Which I am instructed to present the Senate for the signature of the President.

The President signed said bills.

The bill from the House of Representatives, to be entitled An act making certain appropriations therein named;

Was read the first time.

Mr. Winchester moved that said bill lie on the table;

And the question being taken thereon,

It was decided in the negative.

Mr. Runnels moved that the rule be dispensed with, and said bill be read a second time by its title;

And the question being taken thereon,

It was decided in the negative.

The resolution of Mr. Maury, to appoint a committee to wait on his excellency the Governor, was then considered and adopted.

Mr. Toomer moved that the Senate reconsider the vote given on this day on the motion to dispense with the rules, and read the bill to be entitled An act to incorporate the Northern Bank of Mississippi, and for other purposes, a second time by its title;

And the question being taken,
It was decided in the affirmative.

On motion of Mr. Hargis,
The Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr. Love from the joint committee on enrolled bills made the following report:

MR. PRESIDENT—The committee on enrolled bills did, on this day, present to his Excellency the Governor, for his approval and signature, a bill of the following title, to wit:

An act to incorporate the Yazoo Grays, Warren Invincibles, Vicksburg Volunteers, Raymond Fencibles, and Capitol Guards. Also, a resolution in relation to the boundary line between the States of Tennessee and Mississippi.

A message from the Governor, by Mr. Talbot, his private secretary:

I am directed by the Governor to inform the Senate that he has this day signed the following bills, to wit:

An act to provide for the reprinting and publishing certain laws of this State;

An act for the benefit of the heirs of Sarah D. Terry, deceased.

Mr. Toomer, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT—The joint committee on enrolled bills, have examined a resolution in relation to the boundary line between the States of Mississippi and Tennessee; and An act entitled an act to incorporate the Yazoo Grays, Warren Invincibles, Vicksburg Volunteers, Raymond Fencibles, and Capitol Guards; and have found the same correctly enrolled; and

An act entitled an act to incorporate the members and stockholders of the Citizens' Bridge of Yalobusha.

A message from the House of Representatives, by Mr. Price, their clerk:

MR. PRESIDENT—The House of Representatives, have concurred in the joint resolution of the Senate appointing a committee to wait on his Excellency the Governor, and on

their part have appointed³ Messrs. Brown, Johnston, Paxton, Talbert and James Phillips, said committee.

I am further instructed to inform the Senate that the Speaker of the House of Representatives has signed a bill of the following title, to wit:

An act to incorporate the members and stockholders of the Citizens' Bridge of Yalobusha;

Which I am instructed to present the Senate for the signature of the President.

The President signed said bill.

A message from the House of Representatives, by Mr. Price, their clerk:

MR. PRESIDENT—His Excellency the Governor, has this day communicated to the House of Representatives that he has signed bills of the following titles, to wit:

An act to organize the county of Perry;

An act further to amend an act to incorporate the Commercial Rail Road Bank of Vicksburg;

An act to take the Census of the State of Mississippi, for the year 1837;

An act to incorporate a Bridge across Big Black river, and a Turnpike Road across the Swamp thereof;

An act to incorporate the Trustees of Lane Academy, in the city of Vicksburg, and State of Mississippi;

An act for the relief of the minor heirs and legatees of Arnold E. Walters, deceased;

A resolution in favor of Hugh Harrison;

An act to incorporate the Mississippi Union Bank, so far as the acts of this Legislature are recognized;

An act to authorize the New Orleans and Nashville Rail Road Company, to extend their contemplated Rail Road through the State of Mississippi;

An act to incorporate the Yazoo Grays, Warren Invincibles, Vicksburg Volunteers, Raymond Fencibles, and Capitol Guards;

A resolution in relation to the boundary line between the States of Mississippi and Tennessee;

An act to incorporate the members and stockholders of the Citizens' Bridge of Yalobusha.

Mr. Love, from the joint committee on enrolled bills, reported that they had on this day presented to his Excellency the Governor, for his approval and signature,

A bill to be entitled An act to incorporate the members and stockholders of the Citizens' Bridge of Yalobusha.

Mr. Granberry moved that the Senate do reconsider the

vote given on this day on the motion to dispense with the rule;

And read the bill to be entitled An act making certain appropriations therein named, a second time by its title;

And the question being taken thereon,

It was decided by ayes and noes, as follows:

Ayes—Mr. President, Messrs. Cocke, Granberry, Haley, Hargis, Maury, McRaven, Runnels, Toomer and Van Norman—10.

Noes—Messrs. Love and Winchester—2.

So the vote was reconsidered.

Mr. Runnels then moved that the rule be dispensed with, and said bill be read a second time by its title;

And the question being taken thereon,

It was decided in the affirmative by ayes and noes, as follows:

Ayes—Mr. President, Messrs. Cocke, Granberry, Haley, Hargis, Maury, McRaven, Runnels, Toomer and Van Norman—10.

Noes—Messrs. Love and Winchester—2.

So the motion prevailed; and

Said bill was then read the second time; and,

On motion of Mr. Cocke,

The Senate resolved itself forthwith into committee of the whole on said bill, Mr. Van Norman in the chair; and after some time spent therein, the committee rose, and Mr. Van Norman reported that they had had said bill under consideration, and had instructed him to report the same without amendment.

On motion of Mr. Van Norman,

Said report was received.

On motion of Mr. Van Norman,

Said report was agreed to.

Mr. Van Norman moved that the rule be dispensed with, and that said bill be read a third time by its title;

And the question being taken thereon,

It was decided in the affirmative;

Said bill was accordingly read a third time by its title,

And the question being put, "Shall this bill pass?"

It was decided by ayes and noes, as follows:

Ayes—Mr. President, Messrs. Cocke, Granberry, Haley, Hargis, Maury, McRaven, Runnels, Sharpe and Van Norman—10.

Noes—Mr. Winchester—1.

So the bill was passed.

Ordered, That the title thereof be as stated.

Mr. Love, from the joint select committee, made the following report:

MR. PRESIDENT—The joint committee who were appointed to wait upon his Excellency the Governor, and inform him that the two Houses had finished their business, and are ready to adjourn until the second Monday in May next, agreeable to a resolution adopted by both Houses, unless he had further communications to make, beg leave to report, that they have performed that duty, and were informed by his Excellency that he had no further communication to make.

Mr. Toomer, from the joint committee, on enrolled bills, reported that they had examined a bill to be entitled An act to make certain appropriations therein named, and have found the same correctly enrolled.

A message from the House of Representatives, by Mr. Price, their clerk:

MR. PRESIDENT—The Speaker of the House of Representatives has signed a bill of the following title:

A bill to be entitled An act to make certain appropriations therein named;

Which I am instructed to present the Senate for the signature of the President.

The President signed said bill.

Mr. Toomer, from the joint committee, on enrolled bills, reported that they had, on this day, presented to his Excellency the Governor, for his consideration and signature An act entitled an act to make certain appropriations therein named.

A message from the House of Representatives, by Mr. Price, their clerk:

MR. PRESIDENT—His Excellency, the Governor, of the State of Mississippi, has communicated to the House of Representatives that he has approved and signed the bill entitled An act to make certain appropriations therein named.

MR. PRESIDENT—I am instructed to inform the Senate that the House of Representatives, have finished the business before them, and are now ready to adjourn, agreeably to a joint resolution adopted by the two Houses, at the present session, until the second Monday in May next.

On motion of Mr. Love,

Resolved, That the Secretary inform the House of Representatives that the Senate have finished the business before them, and are now ready to adjourn to the second Monday in May next.

Mr. Rannels moved that the Senate do now adjourn until the second Monday in May next;

But before the question was taken, the President addressed the Senate as follows:

SENATORS—The period has arrived at which we are to close our labors for the present. Our acts are few in number, but of the utmost magnitude; for good or for evil, the destinies of the State are fixed. The passage of the Union Bank bill, as well as the one authorizing the New Orleans and Nashville Rail Road Company to construct their road through this State, will fill an interesting page in the history of our country. If the expectations of the friends of those great measures are realized, I will be satisfied. It is a source of regret, no doubt, to us all, that circumstances have prevented us from proceeding further at present, in disposing of the many important subjects submitted to our consideration. We will soon return to our constituents, and our several acts will be thoroughly canvassed by the people, the only sovereign power known in a free government.

When we return again in May, I trust the excitement, caused by the unfortunate differences of opinion at present existing, as to the constitutionality of the acts of the Legislature, as at present organized, will have subsided, and that we will meet prepared to act harmoniously.

Although I may not have discharged the duties of presiding officer of the Senate efficiently, I trust I have impartially. I have been gratified at the disposition manifested by every Senator to sustain the chair, and return you my acknowledgments for the good order you have preserved.

In discharging the duty imposed upon me, I have known no other rule of action than a strict adherence to the Rules of the Senate; and where they have been silent, I have been governed by the established precedents, to be found in approved authors on Parliamentary Law.

In adjourning the Senate to the second Monday in May next, in pursuance of the joint resolution of both Houses, I avail myself of the opportunity of bidding you an affectionate farewell.

The question then being taken, the President Mr. Rannels

was declared elected President of the Senate for the year 1845.